

UNITED STATES APPELLATE

MISSISSIPPI ET AL.

ORIGINAL WRITING FROM THE UNITED STATES SUPREME COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI

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SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1964.

No. 73

UNITED STATES, APPELLANT,

vs.

MISSISSIPPI, ET AL.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI

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[fol. 1] [File endorsement omitted]

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI, JACKSON
DIVISION.**

Civil Action No. 3312

UNITED STATES OF AMERICA, Plaintiff,

v.

STATE OF MISSISSIPPI; ROSS R. BARNETT, JOE T. PATTERSON, HEBER A. LADNER, AS MEMBERS OF THE MISSISSIPPI STATE BOARD OF ELECTION COMMISSIONERS; H. K. WHITTINGTON, CIRCUIT CLERK AND REGISTRAR OF AMITE COUNTY; MRS. PAULINE EASLEY, CIRCUIT CLERK AND REGISTRAR OF CLAI-BORNE COUNTY; J. W. SMITH, CIRCUIT CLERK AND REGISTRAR OF COAHOMA COUNTY; MRS. MARTHA TURNER LAMB, CIRCUIT CLERK AND REGISTRAR OF LE FLORE COUNTY; T. E. WIGGINS, CIRCUIT CLERK AND REGISTRAR OF LOWNDES COUNTY; WENDELL R. HOLMES, CIRCUIT CLERK AND REGISTRAR OF PIKE COUNTY, Defendants.

Complaint—Filed August 28, 1962

The United States of America, plaintiff, alleges that:

First Claim

1. This Court has jurisdiction of this action under 42 U.S.C. 1971(d), 28 U.S.C. 1345, and 28 U.S.C. 2281.

[fol. 2] 2. The State of Mississippi is joined as a party defendant also pursuant to §601(b) of the Civil Rights Act of 1960.

3. Ross R. Barnett, Joe T. Patterson and Heber A. Ladner are members of the Mississippi State Board of Election Commissioners by virtue of their official positions as Governor, Attorney General and Secretary of State, respectively. The State Board of Election Commissioners is an agency of the defendant State of Mississippi. The offices of said defendants are in the state capitol, Jackson, Mississippi.

4. H. K. Whittington is the Circuit Clerk and Registrar

of Voters of Amite County. His office is in Liberty, Mississippi.

5. Mrs. Pauline Easley is the Circuit Clerk and Registrar of Voters of Claiborne County. Her office is in Port Gibson, Mississippi.

6. J. W. Smith is the Circuit Clerk and Registrar of Voters of Coahoma County. His office is in Clarksdale, Mississippi.

7. Mrs. Martha Turner Lamb is the Circuit Clerk and Registrar of Voters of Le Flore County. Her office is in Greenwood, Mississippi.

8. T. E. Wiggins is the Circuit Clerk and Registrar of Voters of Lowndes County. His office is in Columbus, Mississippi.

9. Wendell R. Holmes is Circuit Clerk and Registrar of Voters of Pike County. His office is in Magnolia, Mississippi.

10. Registrars of voters in Mississippi, including the [fol. 3] defendant registrars are agents of the Mississippi State Board of Election Commissioners and of the State of Mississippi; they administer and enforce the Mississippi constitutional and statutory provisions which set out the requirements and procedures for the registration of voters.

11. All registrars of voters in the State of Mississippi since at least 1892 have been white citizens.

12. In the counties of the defendant registrars, the statistics on voting age population of Negro and white persons and the approximate voter registration of each race are as follows:

	White		Negro	
	Voting Age Population	Registration	Voting Age Population	Registration
Amite	4449	3295	2560	1
Coahoma	8708	8376	14604	1371
Claiborne	1688	1440	3969	138
Lowndes	16460	5869	8362	63
Le Flore	10274	9803	13567	258
Pike	12163	9989	6936	124

13. The right to vote is essential to a republican form of government. It is secured by §§2 and 4 of Article I of the Constitution of the United States and by the Fourteenth, Fifteenth, and Seventeenth Amendments thereto.

14. Under the Constitution and laws of Mississippi prior to 1890, all male citizens, except insane persons and persons

convicted of disqualifying crimes, who were 21 years of age [fol. 4] or over and who had lived in the State six months and in the county one month were qualified electors, and were entitled to register to vote.

15. At the time of the adoption of the Mississippi Constitution of 1890 there were substantially more Negro citizens than white citizens who possessed these voter qualifications in Mississippi.

16. In 1890, a Mississippi Constitutional Convention adopted a new State Constitution. One of the chief purposes of the new constitution was to restrict the Negro franchise and to establish and perpetuate white political supremacy and racial segregation in Mississippi.

17. A principal section of the Mississippi Constitution of 1890 designed to accomplish this purpose was Section 244, which required a new registration of voters in Mississippi beginning January 1, 1892, and established as a new prerequisite to voting that a person otherwise qualified be able to read any section of the Mississippi Constitution, or understand the same when read to him, or give a reasonable interpretation thereof.

18. Since at least 1892, registration has been and is a prerequisite to voting in any election in Mississippi. Registration in Mississippi is permanent.

19. Since the adoption of the Mississippi Constitution of 1890 the State of Mississippi by law, practice, custom, and usage has maintained and promoted white political supremacy and a racially segregated society.

[fol. 5] 20. By 1899, approximately 122,000 or 82% of the white males of voting age and 18,000 or 9% of the Negro males of voting age were registered to vote in Mississippi. Since 1899, a substantial majority of white persons reaching voting age in Mississippi have become registered voters. The percentage of Negroes registered to vote has declined.

21. During the period from 1899 to approximately 1952, white political supremacy in Mississippi was maintained and promoted by the following methods among others:

- (a) Negroes were not allowed to register to vote.
- (b) Literate Negroes were required to interpret sections of the Mississippi Constitution.
- (c) Negroes were excluded from Democratic primary elections. During this time, victory in the Demo-

cratic primary in Mississippi was tantamount to election.

22. In June 1951, a decision by the United States Court of Appeals for the Fifth Circuit emphasized the either-or elements of Section 244 of the Mississippi Constitution of 1890, *i.e.*, that a person could register to vote in Mississippi if he could read *or*, if unable to read, understand or interpret a provision of the Constitution.

23. By 1951, a much higher percentage of the Negroes of voting age in Mississippi were literate than in 1890.

[fol. 6] 24. In 1952 the Mississippi Legislature passed a joint resolution proposing an amendment to Section 244 of the Mississippi Constitution of 1890 which provided that as a prerequisite for registration to vote the applicant must be able both to *and* give a reasonable interpretation of any section of the Mississippi Constitution. The proposed amendment was submitted to the voters in a general election. Failure by the voters to mark the amendment portion of the ballot was counted as a vote against the proposed amendment, and it was not adopted.

25. The Legislature of Mississippi did not meet in 1953. On April 22, 1954, during its regular session, the Legislature passed another resolution to amend Section 244 of the Mississippi Constitution of 1890 to provide as prerequisites to qualification as an elector in Mississippi that a person be able to read and write any section of the Mississippi Constitution *and* give a reasonable interpretation thereof to the county registrar and in addition that a person be able to demonstrate to the county registrar a reasonable understanding of the duties and obligations of citizenship under a constitutional form of government. The proposed amendment also required persons applying for registration to make a sworn written application for registration on a form to be prescribed by the State Board of Election Commissioner. Persons who were registered to vote prior to January 1, 1954, were expressly exempted from the new and more stringent requirements.

[fol. 7] 26. In 1954, at least 450,000 or 63 percent of the white persons of voting age in Mississippi were registered to vote. In 1954 approximately 22,000 or five percent, of

the Negroes of voting age in Mississippi were registered to vote.

27. The proposed amendment to Section 244 of the Mississippi Constitution of 1890 was designed to perpetuate in Mississippi white political supremacy, a racially segregated society, and the disfranchisement of Negroes.

28. Six days after the adoption of the resolution proposing the constitutional amendment as described in paragraph 25, the Mississippi legislature, in anticipation of the United States Supreme Court decision on racial segregation in the public schools, created a 25-member Legal Educational Advisory Committee. The Committee's duty was to seek means to maintain racial segregation in the public schools in the event that the Supreme Court held such segregation to be unlawful.

29. In 1954, after the Supreme Court had declared state operation of racially segregated schools unconstitutional, white citizens councils were formed in Mississippi. The purpose of these organizations was the maintenance of racial segregation and white supremacy in Mississippi. The first statewide project undertaken by these organizations was the attempt to induce the white voters of Mississippi to adopt the proposed amendment to Section 244 of the [fol. 8] Mississippi Constitution of 1890.

30. In September 1954 an extraordinary session of the Mississippi Legislature was called to consider the recommendation of the Mississippi Legal Educational Advisory Committee that the Mississippi Constitution be amended to empower the legislature to abolish the public schools. The Legislature passed a resolution proposing such an amendment.

31. On November 2, 1954, the proposed amendment to Section 244 of the Mississippi Constitution of 1890 was submitted to and adopted by the voters. Of the approximately 472,000 registered voters in Mississippi who were eligible to vote on this proposed amendment about ninety-five percent were white; fewer than five percent were Negro. The amendment was adopted in a state where the public education facilities were and are racially segregated, and where such facilities provided for Negroes were and are inferior to those provided for white persons.

32. On December 21, 1954, the proposed amendment to the Mississippi Constitution authorizing the legislature to abolish the public schools was submitted to, and approved by, the voters.

33. In January 1955, another extraordinary session of the Mississippi Legislature was called for the purpose of inserting in the Constitution the amendment to Section 244 and the amendment to authorize abolition of the public schools. Both amendments were inserted during this session.

[fol. 9] 34. During the extraordinary session described in paragraph 33, the Mississippi Legislature adopted legislation implementing the amended Section 244. In addition to requiring the interpretation test and the duties and obligations test as a voter qualification and exempting therefrom persons registered prior to January 1, 1954, the State Board of Election Commissioners was directed to prepare a sworn written application form (which included the interpretation test and the duties and obligations test) and which county registrars were to be required to use in examining the qualifications of each applicant. The application forms were to be maintained as permanent public records.

35. The effect of the amendment to Section 244 is to place the burden of more stringent requirements for registration on Negro citizens of voting age in Mississippi, the great majority of whom were not registered to vote. The white citizens of voting age, the great majority of whom were registered to vote, were not subjected to these requirements.

36. Since 1955 the defendant registrars as well as many other registrars in Mississippi have enforced the requirements of Section 244, as amended, when Negroes have attempted to register to vote, by requiring Negroes to interpret sections of the Mississippi Constitution and to demonstrate their understanding of the duties and obligations of citizenship on the form prescribed by the State Board of Election Commissioners.

37. In 1960 approximately 500,000 or 67 percent [fol. 10] of the white persons of voting age in Mississippi, and approximately 20,000 to 25,000, or 5 percent of the Negroes of voting age were registered to vote.

38. Section 244 of the Mississippi Constitution of 1890, as

amended, and its implementing legislation vest unlimited discretion in the county registrars of Mississippi to determine the qualifications of applicants for registration to vote. These constitutional and statutory provisions impose no standards upon registrars for the administration of the constitutional interpretation test and the duties and obligations test. They enable and require the registrars of voters in Mississippi to determine without reference to any objective criteria:

(a) The manner in which these tests are to be administered;

(b) The length and complexity of the sections of the Constitution to be read, written and interpreted by the applicants;

(c) The standard for a reasonable interpretation of any section of the Mississippi Constitution, and a reasonable understanding of the duties and obligations of citizenship;

(d) Whether the performance by the applicant in taking these tests is satisfactory.

39. The Mississippi Constitution contains 285 sections. These sections vary in subject matter and complexity—ranging from such matters as the prohibition against imprisonment for debt to the legislative power to provide for [fol. 11] ground rental or gross sum leases of the sixteenth section lands in the State.

40. There is no rational or reasonable basis for requiring, as a prerequisite to voting, that a prospective elector, otherwise qualified, be able to interpret certain of the sections of the Mississippi Constitution.

41. The defendant registrars of voters, vested with the discretion described in paragraph 38, have used, are using, and will continue to use the interpretation test and the duties and obligations test to deprive otherwise qualified Negro citizens of the right to register to vote without distinction of race or color. The existence of the interpretation test and the duties and obligations test as voter qualifications in Mississippi, their enforcement, and the threat of their enforcement have deterred, are deterring and will continue to deter otherwise qualified Negroes in Mississippi from applying for registration to vote.

42. Section 244 of the Mississippi Constitution, as amended, is unconstitutional:

- (a) Section 244 is vague and indefinite and provides no objective standards for the administration by the registrar of the interpretation test and the duties and obligations test.
- (b) The adoption, enforcement and continued threat of enforcement of a more stringent registration requirement following a period of racial discrimination in the registration of voters—a period during which an overwhelming percentage of white [fol. 12] residents were permanently registered and thus forever exempted from this new stringent requirement and when an overwhelming percentage of Negro residents who possessed similar qualifications were illegally denied the right to register—makes the constitutional interpretation test and the duties and obligations test devices to perpetuate the discrimination which the Fifteenth Amendment was intended to eliminate.
- (c) The history of Section 244, as amended, the setting of white political supremacy and racial segregation in which it was adopted and is enforced, the discretion which it vests in Mississippi registrars of voters, the lack of any reasonable connection between the interpretation test and a capacity to vote render it invalid on its face as a device of discrimination in the registration of voters in Mississippi.
- (d) In a state where public education facilities are and have been racially segregated and where those provided for Negroes are and have been inferior to those provided for white persons, an interpretation or understanding test as a prerequisite to voting, which bears a direct relationship to the quality of public education afforded the applicant violates the Fifteenth Amendment.
- (e) There is no reasonable basis or legitimate state interest in requiring as a prerequisite to voting [fol. 13] that applicants interpret certain sections of the Mississippi Constitution.

43. The defendants and their agents, unless restrained by order of this Court, will continue to enforce Section 244, as amended, and its implementing statutory provisions as qualifications for registration to vote.

Second Claim

44. Plaintiff realleges paragraphs 1 through 34, and 37 of this Complaint.

45. In 1960, the Mississippi Legislature passed a joint resolution to amend Article XII of the Constitution of 1890 to include a new section (241-A) which added the qualification of good moral character to the qualifications of an elector. On November 8, 1960, the proposed addition to Article XII of the Constitution was submitted to and adopted by the voters. Of the approximately 525,000 registered voters in Mississippi who were eligible to vote on this proposed amendment, about 95 percent were white; fewer than 5 percent were Negro. The amendment was adopted in a state where all state officials were white.

46. Section 241-A of the Mississippi Constitution as enacted provided that the Legislature shall have power to enforce the provisions of this Section by appropriate legislation. No legislative provision was made until 1962 for any procedures to be followed by the registrars in determining the moral character of applicants.

47. Commencing in August 1960, the United States un-[fol. 14] dertook steps throughout the State of Mississippi to obtain, inspect and photograph voter registration records of certain Mississippi counties pursuant to the authority granted to the Attorney General of the United States by Title III of the Civil Rights Act of 1960. Litigation resulted in certain of these counties commencing in January 1961. Such action was a matter of common knowledge throughout the State of Mississippi.

48. Commencing in July 1961, the United States undertook litigation against seven registrars in Mississippi for the purpose of obtaining injunctive relief to prevent the registrars from engaging in racially discriminatory acts and practices in the operation of their offices. This litigation is still pending and as of the date of filing this complaint, no permanent injunction has been issued against any regis-

trar in the State of Mississippi. On April 10, 1962, the Circuit Court of Appeals for the Fifth Circuit did issue an injunction pending appeal against the Circuit Clerk and Registrar of Forrest County, Mississippi, Theron C. Lynd, enjoining Theron C. Lynd and the State of Mississippi and all persons in concert with them from engaging in discriminatory acts and practices based on race in the registration for voting in Forrest County, and specifically from:

- (a) Denying Negro applicants the right to make application for registration on the same basis as white applicants;
- (b) Failing to process applications for registration submitted by Negro applicants on the same basis as applications submitted by white applicants;
- [fol. 15] (c) Failing to register and to issue registration cards to Negro applicants on the same basis as white applicants;
- (d) Denying Negro applicants the right to be registered by the same office personnel and with the same expedition and convenience as are being permitted to white applicants, and from failing or refusing to give to Negro applicants the same privileges as to reviewing their application forms at the time they are filled out and advising Negro applicants of such omissions as appear on their forms as they are now or theretofore have given to white applicants under similar circumstances;
- (e) Administering the constitutional interpretation test to Negro applicants by including as sections to be read and interpreted any sections other than those which at the time of the trial had been used for submission to white applicants;
- (f) Requiring rejected Negro applicants to wait any different period before reapplying for registration than may be authorized under the laws of Mississippi and other than is required of white applicants.

49. The suits by the United States against registrars and the action taken by the Court of Appeals were matters of common knowledge throughout the State of Mississippi. [fol. 16] The Legislature of Mississippi was in regular ses-

sion during April and May, 1962. During May the Mississippi Legislature adopted legislation implementing Section 241-A of the Constitution. Section 3235 of the Mississippi Code was amended to add the following:

"Except that any person registering after the effective date of this Act shall be of good moral character as required by Section 241-A of the Mississippi Constitution."

At the same time, the Mississippi Legislature amended Section 3209.6 of the Mississippi Code to require that the defendant State Board of Election Commissioners in preparing the application forms to be used by the county registrars should include therein spaces for information showing the good moral character of the applicant in order that the applicant may demonstrate to the county registrar that he is a person of good moral character. In addition, the Mississippi Legislature enacted two new laws, one requiring publication of the names and addresses of all applicants who apply for registration to vote (H.B. 882, Reg. Sess. 1962) and the second providing a procedure by which qualified electors, by affidavit, could challenge the good moral character of any applicant for registration and for a hearing on any such challenge and for an appeal therefrom (H.B. 904, Reg. Sess. 1962), both hereinafter more fully described and challenged as invalid in plaintiff's Fourth Claim in this Complaint.

50. The purpose and the effect of the good moral character requirement were and are:

- (a) To subject the vast majority of Negro citizens of voting age in Mississippi to this additional requirement [fol. 17] ment when they attempt to become registered voters; and to exempt the majority of the white citizens of voting age in Mississippi from this requirement since they are already registered voters.
- (b) To provide an additional device with which registrars could discriminate against Negro citizens who seek to register to vote—a means of discrimination which would make detection more difficult.

51. Section 241-A of the Mississippi Constitution of 1890, as amended, vests unlimited discretion in the registrars of voters to determine the good moral character of applicants for registration. This new requirement is vague and indefinite and neither suggests nor imposes standards for the registrar's use in determining good moral character. It enables and requires the registrars of voters in Mississippi to determine without reference to any objective criteria:

- (a) What acts, practices, habits, customs, beliefs, relationships, moral standards, ideas, associations, attitudes and demeanor evidence bad moral character and what weight should be given to each.
- (b) What is evidence of good moral character and what weight should be given to affirmative evidence of it, such as school record, church membership, military service, club memberships, personal, social and family relationships, civic interest, absence of criminal record.

[fol. 18] (c) What periods of the applicant's life are to be examined for evidence relating to his character—whether the applicant's conduct during a remote period of his life is to be considered.

- (d) What sources, if any, such as public records, public officials, private individuals—Negro and white—will be consulted in determining the character of the applicant; or whether the determination will be made on the basis of personal knowledge, impression, newspaper accounts, rumor or otherwise.

52. The existence of the character qualification in Mississippi, its enforcement, and the threat of its enforcement, in the absence of any objective criteria which apply to all voters, have deterred, are deterring, and will continue to deter qualified Negro citizens in Mississippi from applying to register to vote. The threatened use and the use by the defendant registrars of voters of the character requirement deprive and will deprive otherwise qualified Negro citizens of the right to register to vote without distinction of race or color.

53. Section 241-A of the Mississippi Constitution is unconstitutional:

- (a) It exempts most of the white persons of voting age from, and subjects most of the Negroes of voting age to, the requirement of good moral character.
- (b) The legislative history of the character requirement [fol. 19] ment, the setting of white political supremacy and racial segregation in which it was adopted and is enforced, the discretion which it vests in the registrars of voters and the lack of any reasonable, definite and objective standards by which good moral character is to be determined render it invalid as a device which facilitates and perpetuates racial discrimination in the registration of voters in Mississippi.

54. The defendants and their agents, unless restrained by order of this Court, will continue to enforce Section 241-A and its implementing statutory provision as a qualification for registration to vote.

Third Claim

55. Plaintiff realleges paragraphs 1 through 34, 37, and 45 through 49 of this Complaint.

56. In 1955, the Mississippi Legislature passed a statute requiring the defendant State Board of Election Commissioners to prepare a series of registration application forms suitable for obtaining pertinent information with respect to the applicant's qualifications, including spaces to test the applicant's ability to read and write any section of the Constitution of the State of Mississippi and give a reasonable interpretation thereof, and a space for the applicant to demonstrate to the county registrar a reasonable understanding of the duties and obligations of citizenship under a constitutional form of government. (Sec. 3209.6 Miss. Code.) This section also provided that application forms shall be numbered serially in the order of taking [fol. 20] and a permanent record be made of the date each application was filed, the name of the applicant, and serial number; all such applications were required to be main-

tained as a permanent public record. The Legislature further required that the registrars administer the oath provided by the Mississippi Constitution.

57. In 1957, the Congress of the United States enacted the Civil Rights Act of 1957 which authorized the Attorney General of the United States to bring civil actions to protect the right to vote without distinction of race or color.

58. During the winter and spring of 1960, the Congress of the United States debated the question of whether additional legislation was necessary to protect the right of all citizens to register to vote at all elections without distinction of race or color. Included in the legislation considered at that time, and ultimately passed, was Title III of the 1960 Civil Rights Act which requires that all records and papers relating to registration, the payment of poll taxes, or other acts requisite to voting in federal elections be retained and preserved for a specified period and that they be made available to the Attorney General for inspection and copying. This provision was enacted into law in May of 1960. During the consideration by Congress of the proposed Title III, the Mississippi Legislature was in session. During that session the Mississippi Legislature passed a concurrent resolution (H.C.R. 36, Reg. Sess. 1960) commending the fight against the "vicious so-called Civil Rights Bills." Shortly thereafter, the Mississippi [fol. 21] Legislature amended Section 3209.6 Mississippi Code, which formerly provided that the application forms remain a permanent public record, to provide, if no appeal from the registrar's decision was taken during the statutory thirty-day appeal period, that the registrars were not required to retain or preserve any record made in connection with the application of anyone to register to vote.

59. The purpose and effect of the Mississippi statute described in the preceding paragraph (Section 3209.6, as amended, which authorizes county registrars to destroy registration records) was to frustrate federal protection in Mississippi of the right of citizens to vote without distinction of race, and to facilitate discrimination by county registrars against Negroes seeking to register to vote. Some registration application forms, including some forms received by defendant H. K. Whittington in Amite County, Mississippi, have been destroyed under the authority of

this statute. This statute violates Article VI of the Constitution of the United States in that the statute is in direct conflict with and contrary to the requirements of Title III of the Civil Rights Act of 1960.

60. The defendants and their agents, unless restrained by order of this Court will continue to destroy voter registration records in violation of the Constitution of the United States and the Civil Rights Act of 1960.

[fol. 22]

Fourth Claim

61. Plaintiff realleges paragraphs 1 through 34, 37, 45 through 49, and 56 through 58 of this Complaint.

62. In late 1961 and early 1962, Negro citizens and organizations conducted a voter registration drive in Mississippi for the purpose of increasing the number of Negroes eligible to vote in the 1962 Mississippi primary elections. For the first time in many years Negroes were candidates for the office of representative in the Congress of the United States. These facts were widely publicized and were matters of common knowledge throughout Mississippi.

63. Commencing in July 1961, the United States initiated litigation against seven registrars of Mississippi for the purpose of obtaining injunctive relief against the registrars prohibiting racially discriminatory acts and practices in the operation of their offices. The first hearing in one of the cases referred to above involving a motion for an injunction came on to be heard before the United States District Court for the Northern District of Mississippi in December 1961 in a case against the registrar and sheriff of Tallahatchie County. During the course of this hearing the United States attempted to subpoena the poll books in the county as those books, by law, contain the race of all qualified voters. At that time the United States explained to the Court and counsel for the defendant State of Mississippi the difficult problem of establishing race identification of the thousands of persons on the registration rolls in any particular county.

[fol. 23] 64. In March 1962, a second hearing was held in the United States District Court for the Southern District of Mississippi on a motion for a preliminary injunction in an action by the United States against the registrar of voters of Forrest County. At the hearing, the United

States was permitted to inspect the registration application forms of thirteen Negroes and six white persons who had applied to be registered. Some of the Negro applicants were highly educated and their forms give every indication that they were qualified to vote. However, on some of these forms there were certain formal, technical and inconsequential errors, such as the omission of the applicant's precinct in the oath recitation, the failure to sign the oath, or the failure to sign the application at a line below the minister's oath on page 3, although the applicant had subscribed and sworn to the application on another line clearly designated as the signature line. The testimony in this case indicated that white applicants for registration were either not required to fill out an application form or were assisted by the registrar, or his agents, in filling out the form with respect to his precinct and where the applicant was to sign his name on the form.

65. On April 10, 1962, as is more fully detailed in paragraph 48 of this Complaint, the United States Court of Appeals for the Fifth Circuit granted an injunction pending appeal enjoining the registrar of voters of Forrest County, Mississippi, and the State of Mississippi from [fol. 24] failing or refusing to give to Negro applicants the same privileges as to reviewing their application forms at the time they are filled out and advising Negro applicants of such omissions as appear on their forms as they are now or heretofore have given to white applicants under similar circumstances. This decision of the Circuit Court of Appeals and the terms of its injunction were widely publicized and were matters of common knowledge throughout Mississippi.

66. The Legislature in Mississippi was in regular session during April and May 1962. During May, the Mississippi Legislature adopted a package of legislation affecting the registration of voters, the purpose and effect of which is to deter, hinder, prevent, delay and harass Negroes and to make it more difficult for Negroes in their efforts to become registered voters, to facilitate discrimination against Negroes, and to make it more difficult for the United States to protect the right of all its citizens to vote without distinction of race or color. This legislative package of bills included the following:

(a) House Bill 900, amended Section 3213 of the Mississippi Code:

Prior to the amendment, that statute required that an applicant fill out the application form without assistance or suggestion from any person. The amendment added that the requirements of the statute were mandatory; that no application shall be approved or the applicant registered unless all blanks on the application form are "properly and responsively" filled out by the applicant and that both the oath as such and the application form must be signed separately by the applicant.

(b) House Bill 901:

Section 3232 was amended so as to eliminate the designation of race in the county poll books.

(c) House Bill 905:

This statute amended Section 3209.6 to require the defendant State Board of Election Commissioners to make provision on the application form for the applicant to demonstrate good moral character and for the registrar to use the good moral character requirement in registering voters. This statute also retained the provision heretofore described in paragraph 58 permitting destruction of the application form.

(d) House Bill 822 and House Bill 904:

These statutes require that within 10 days of receipt of an application for registration the registrar must publish once each week for two consecutive weeks in a newspaper having general circulation in the county where the applicant applies, the name and address of each applicant who applies for registration. These statutes further provide that within 14 days after the date of the last publication of the name of the applicant, any [fol. 26] qualified elector in the county may challenge both the good moral character of any applicant and any other qualification of any applicant

to vote. Within 7 days after such affidavit of challenge is filed the registrar notifies the applicant of the time and place for a hearing to determine the sufficiency of the affidavit of challenge. The date of the hearing may be changed by the registrar. At the hearing the registrar is authorized to issue subpoenas to compel the attendance and testimony of witnesses whose testimony is transcribed and the registrar may decide the sufficiency of the affidavit of challenge or "may take the matter under advisement just as a court may do." Strict rules of evidence shall not be enforced at the hearing and witnesses may be examined by the applicant and his attorneys or by the challenger and his attorneys. Costs are taxed at such proceedings in the same manner as costs are taxed in the State chancery courts. Appeal is provided to the county board of election commissioners by the person against whom the registrar decided. In the event no challenge is filed, the good moral character of the applicant and any other required prerequisite for registration are "within a reasonable time" to be determined by the registrar.

(e) House Bill 903:

This statute provides that if a registrar [fol. 27] determines an applicant is qualified he shall endorse the word "passed" on the application form but the applicant is registered only upon his subsequent request made in person to the registrar. Under this statute, it is the applicant's responsibility to return to the registrar's office to determine whether he has passed or failed. This statute also provides that if the applicant is of good moral character, but he has not otherwise complied with the registration requirements, the registrar endorses on the application the word "failed" without specifying the reasons therefor "as so to do may constitute assistance to the applicant on another application." If the applicant is otherwise qualified, but not of good moral character, it is so endorsed on the application form and

the registrar shall state the reasons why he finds the applicant not to be of good moral character. If the applicant is not otherwise qualified and fails to demonstrate his good moral character, the registrar endorses on the application the word "failed" and may in his discretion also endorse the words "not of good moral character."

67. This package of legislation is unconstitutional:

(a) House Bills 900 and 903:

(1) These statutes facilitate deprivation of the right to vote on account of race or color by establishing as grounds for disqualification any formal, technical, or inconsequential error or omission by the applicant on the application form.

(2) The purpose and the inevitable effect of these statutes, because they apply prospectively, are to exempt the majority of the white persons of voting age who are presently registered from these onerous requirements and to subject Negroes, few of whom are presently registered, to these requirements.

(3) The application form is converted into a hypertechnical and unreasonable examination. This use of the application form as a hypertechnical examination is an arbitrary and unreasonable restriction on the exercise of the right to vote and it bears no reasonable relationship to any legitimate state interest.

(4) These statutes vest unlimited discretion in the registrars to determine without reference to any objective standard whether an application form is filled out "properly and responsively." There are no standards imposed on the registrars for determining which questions on the form elicit the "essential facts and qualifications to entitle a person to register to vote."

(5) The requirement that the oath and signature on the application form be signed without assist-

[fol. 29] ance or suggestion is arbitrary and unreasonable and is a device to trap applicants into an omission which will serve as grounds for disqualification.

(6) The prohibition against informing applicants or allowing applicants to learn of the reason or reasons for their disqualification as voters is wholly unreasonable and arbitrary and is contrary to any legitimate state interest and is inconsistent with fundamental principles of democracy.

(b) House Bills 822 and 904.

(1) These statutes which provide for publication of the names of applicants and the challenging of an applicant's qualifications for any reason by any qualified elector vest power and authority in white citizens who are the qualified electors in Mississippi, to harass Negroes, and to delay the registration of Negroes. No objective standard is provided to limit the grounds upon which such citizens may challenge the qualifications of applicants for registration.

(2) These statutes impose onerous, arbitrary and unreasonable procedures on prospective electors who are challenged by requiring them to appear and possibly assume the cost of an administrative hearing before their qualifications to vote are determined.

[fol. 30] (3) These statutes provide no objective standards whereby registrars may determine qualifications of prospective registrants who have been challenged.

(4) These statutes, being prospective, exempt white persons, a large majority of whom are presently registered to vote, and impose on virtually all of the Negro citizens of voting age in Mississippi, onerous procedural requirements as prerequisites to registration.

(5) These statutes vest the registrars of voters with unlimited power to forestall the registration

of qualified Negro citizens by taking the matter under advisement.

(6) These statutes are arbitrary and unreasonable requirements on prospective electors and bear no reasonable relationship to any legitimate state interest.

(7). The purpose and effect of these statutes are to give the white community of Mississippi the legal right to pass initially upon the qualifications and character of Negro citizens who seek to become registered voters and to give the members of the white community the opportunity to harass and intimidate Negro applicants for registration whose names are publicized by operation of the statutes.

68. The history of racial discrimination in Mississippi, the legislative setting in which the statutes described in [fol. 31] paragraph 66 were enacted, the lack of any reasonable or objective standards for the registration of voters, and the arbitrary character of these requirements which bear no reasonable relationship to any legitimate state interest render them invalid and in violation of 42 U.S.C. 1971, Article I of the Constitution of the United States and the Fourteenth and Fifteenth Amendments thereto.

69. Mississippi registrars of voters are required to apply these new and onerous requirements. The defendant registrars have applied such requirements. The existence of these onerous requirements, their enforcement and the threat of their enforcement have deterred, are deterring and will continue to deter otherwise qualified Negroes in Mississippi from applying to register to vote.

70. The defendants and their agents, unless restrained by order of this Court, will continue to enforce and threaten to enforce the new registration requirements as described in paragraph 66, the effect of which has been and is to deprive otherwise qualified Negro citizens in Mississippi of their right to register to vote without distinction of race or color.

Wherefore, plaintiff prays that pursuant to the provisions of 28 U.S.C. 2281, a District Court of three judges be

convened in accordance with the procedures set forth in 28 U.S.C. 2284, and that said Court:

1. Adjudge, declare and decree that the provisions of Section 244 of the Constitution of Mississippi, as amended, and the statutes implementing said Section 244, as amended [fol. 32] ed, are invalid and in violation of 42 U.S.C. 1971, Article I of the Constitution of the United States and the Fourteenth and Fifteenth Amendments thereto;

2. Adjudge, declare and decree that the provisions of Section 241-A of the Constitution of Mississippi and its implementing statutes providing for a character test as a prerequisite to registering to vote are invalid and in violation of 42 U.S.C. 1971, Article I of the Constitution of the United States and the Fourteenth and Fifteenth Amendments thereto;

3. Adjudge, declare and decree that the following Mississippi statutes are invalid and in violation of 42 U.S.C. 1971, Article I of the Constitution of the United States and the Fourteenth and Fifteenth Amendments thereto:

- (a) H.B. 900
- (b) H.B. 903
- (c) H.B. 822
- (d) H.B. 904

4. Adjudge, declare, and decree that Section 3209.6 of the Mississippi Code as amended, providing for the destruction of application forms is invalid as being in conflict with Title III, Civil Rights Act of 1960, and in violation of Article VI of the Constitution of the United States.

5. Make a finding that the defendant county registrars have deprived Negro citizens of the right secured by 42 U.S.C. 1971(a); and that such deprivations have been and are pursuant to a pattern and practice of racial discrimination.

[fol. 33] 6. Issue a preliminary and permanent injunction enjoining the defendants, their agents, employees and successors, and all persons in active concert or participation with them from:

- (a) Enforcing and giving any further effect to any of the Constitutional and statutory provisions de-

scribed in paragraphs 1 through 4 of the prayer of this Complaint;

- (b) Engaging in any act which would deprive any citizen in the State of Mississippi of the right to register and the right to vote without distinction of race or color;
- (c) Engaging in any acts which would delay, prevent, hinder, discourage, or harass Negro citizens, on account of their race or color, from applying for registration and becoming registered voters in the State of Mississippi;
- (d) Using the application form as an examination or test for Negro applicants, and to use such application form only as such form has been used in registering white applicants;
- (e) Using any interpretation or understanding test which bears a direct relationship to the quality of public education afforded Negro applicants.

7. Order said defendants to register as a voter any Negro applicant for registration who possesses the following qualifications for registering to vote and none of the disqualifications as set forth in the Mississippi Constitution [fols. 34-35] of 1890:

- (a) He is a citizen not less than 21 years of age;
- (b) He has been a resident of the state, county and election district for the period prescribed by Mississippi law;
- (c) He is able to read;
- (d) He has not been convicted of any disqualifying crimes enumerated in the Constitution and laws of Mississippi and is not insane.

8. Grant such additional relief as justice may require, together with the costs and disbursements of this action.

/s/ Robert F. Kennedy, Attorney General. /s/
 Burke Marshall, Assistant Attorney General.
 /s/ Robert Hauberg, United States Attorney.
 /s/ John Doar, Attorney, Department of Justice.

[fol. 36] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

Civil Action No. 3312

[Title omitted]

MOTION OF DEFENDANTS FOR ENLARGEMENT OF TIME TO
PLEAD—Filed September 6, 1962

Come the defendants and each of them by their attorney and move the Court to enlarge the time within which they are required to plead to the complaint in this cause, and in support of this motion would respectfully show unto the Court the following:

That the complaint filed herein consists of thirty-four pages and seventy separate allegations; that the complaint seeks to have this Court declare unconstitutional two sections of the Mississippi Constitution and five statutes of the [fol. 37] State of Mississippi; that to properly and adequately prepare a defense to the complaint will require exhaustive legal research and an abundance of factual data.

The attorney which has been assigned to prepare the pleadings and the defense of this suit is presently engaged in the handling of numerous cases now pending in this and other courts; that his presence is required before a panel of the Circuit Court of Appeals of the Fifth Circuit in the case of United States versus Theron Lynd for the entire week beginning September 17, and it will be physically impossible for him to properly plead and prepare to defend this suit within the statutory time required by the Federal Rules of Civil Procedure.

Attorney for defendants, in order to properly plead to this complaint needs at least an additional time of thirty days, and defendants believe that under the circumstances such enlargement should be granted.

/s/ Will S. Wells, Assistant Attorney General, State
of Mississippi, Attorney for Defendants.

[fols. 38-40]

[File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

Civil Action No. 3312

[Title omitted]

DESIGNATION OF THREE-JUDGE COURT—Filed September 6,
1962

The Honorable William H. Cox, United States District Judge for the Southern District of Mississippi, to whom an application for injunction and other relief has been presented in the above-styled and numbered cause, having notified me that the action is one required by act of Congress to be heard and determined by a district court of three judges, I, Elbert P. Tuttle, Chief Judge of the Fifth Circuit, hereby designate the Honorable John R. Brown, United States Circuit Judge and the Honorable John Minor Wisdom, United States Circuit Judge, to serve with Judge Cox as members of, and with him to constitute the said court to hear and determine the action.

Witness my hand this 5th day of September, 1962.

/s/ Elbert P. Tuttle, Chief Judge, Fifth Circuit.

[fol. 41]

[File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

Civil Action No. 3312

[Title omitted]

ORDER ENLARGING TIME TO PLEAD—September 12, 1962

On motion of the defendants in the above styled and numbered cause and for good cause shown, it is ordered that the defendants be and they are hereby granted thirty days

additional time or until October 19, 1962, within which to plead to the complaint in this cause.

Ordered this 12th day of September, 1962.

Harold Cox, United States District Judge.

{fol. 42} [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

Civil Action No. 3312

[Title omitted]

ORDER ENLARGING TIME TO PLEAD—October 5, 1962

On request of the defendants in this cause and for good cause shown, it is ordered that the defendants be and they are hereby granted thirty days additional time or until and including November 19, 1962 within which to plead to the complaint in this cause.

Ordered this the 5th day of October, 1962.

Harold Cox, United States District Judge.

{fol. 43} [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

Civil Action No. 3312

[Title omitted]

MOTION OF DEFENDANT W. R. HOLMES, FOR SEPARATE TRIAL OF ANY ALLEGATIONS WHICH MAY BE ALLEGED IN THE COMPLAINT OF ILLEGAL OR DISCRIMINATORY APPLICATION BY HIM OF THE CONSTITUTIONAL AND STATUTORY PROVISIONS OF THE STATE OF MISSISSIPPI—Filed November 17, 1962

If the motion of the defendant, W. R. Holmes, for severance is denied, then he moves in the alternative, that the court grant a separate trial of any and all allegations set

forth in the complaint, of discriminatory administration or application of the constitutional and statutory provisions of the State of Mississippi by this defendant, if any there be, and for grounds therefor says:

(1) This defendant has been joined as a party defendant [fol. 44] with five other county registrars, whose acts in the administration of the constitutional and statutory provisions of the State of Mississippi respecting voting have no connection, directly or indirectly, with any acts of this defendant as registrar in Pike County, and evidence of any alleged illegal or discriminatory application of the constitution and statutes of Mississippi respecting voting any one or more of the other defendant registrars, would not be admissible against, and would be highly prejudicial to, this defendant.

(2) Unless the separate trial of such issues, if any, requested by this motion is granted the trial of any issues that may be alleged in the complaint against this defendant will be unduly delayed and impeded, and the orderly proceedings of this court will be interrupted and interfered with.

Respectfully submitted on this, the 16th day of November, A.D., 1962.

/s/ B. D. Statham, One of The Attorneys for W. R. Holmes, One of The Defendants.

[fol: 45] Certificate of service omitted in printing.

[fol. 46]

[File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

Civil Action No. 3312

[Title omitted]

MOTION OF DEFENDANTS TO QUASH THE THREE-JUDGE COURT
AS TO CERTAIN SPECIFIED MATTERS—Filed November 19,
1962.

The defendants move the Court to quash the three-judge court as to, or in the alternative to eliminate therefrom, all matters pertaining to the constitutionality of Section 244 of the Constitution of the State of Mississippi of 1890, before the same was amended, for the reason that said Section has been declared to be constitutional and not in conflict with the Constitution or laws of the United States, by [fol. 47] the Supreme Court of the United States in the case of *Williams v. Mississippi*, 42 L.Ed. 1012, which decision has never been overturned or modified and, therefore, is binding on this Court.

The defendants further move that this Court quash the three-judge court as to, or in the alternative to eliminate from this suit, the matter or claim as to the constitutionality of Section 244 of the Mississippi Constitution as amended in 1955 for the reason that said Section of the Constitution was declared to be constitutional and not in conflict with the Constitution or laws of the United States by a three-judge court of the Southern District of Mississippi in the case of *Darby v. Daniel*, 168 F. Supp. 170, which decision has never been overturned or modified and which should be followed by this Court.

Respectfully submitted this the 19th day of November,
1962.

T. F. Badon, Attorney at Law, Liberty, Mississippi.
Joe D. Gordon, Attorney at Law, Liberty, Mississippi.
Joe Drake, Attorney at Law, Port Gibson, Mississippi.
Semmes Luckett, Attorney at Law, Clarksdale, Mississippi.
Leon Porter, Attorney at Law, Clarksdale, Mississippi.
Chester Curtis, At-

torney at Law, Clarksdale, Mississippi. Aubrey Bell, Attorney at Law, Greenwood, Mississippi. Hardy Lott, Attorney at Law, Greenwood, Mississippi. [fol. 48] J. O. Sams, Jr., Attorney at Law, Columbus, Mississippi. William Burgin, Attorney at Law, Columbus, Mississippi. W. H. Jolly, Attorney at Law, Columbus, Mississippi. B. D. Statham, Attorney at Law, Magnolia, Mississippi. Joe T. Patterson, Attorney General for the State of Mississippi. Will S. Wells, Dugas Shands, Guy N. Rogers, and William A. Allain, Assistant Attorneys General for the State of Mississippi. Peter M. Stockett, Jr. and Darryl A. Hurt, Special Assistant Attorneys General for the State of Mississippi. By: /s/ Will S. Wells, Assistant Attorney General for the State of Mississippi, one of the Attorneys of Record for Defendants.

[fol. 49] Certificate of Service omitted in printing.

[fol. 50] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

Civil Action No. 3312

[Title omitted]

MOTION OF DEFENDANTS TO STRIKE AND ALTERNATIVE MOTION
FOR A MORE DEFINITE STATEMENT—Filed November 19,
1962.

Comes now the State of Mississippi, Ross R. Barnett, Joe T. Patterson, Heber A. Ladner, as members of the Mississippi State Board of Election Commissioners; H. K. Whittington, Circuit Clerk and Registrar of Amite County; Mrs. Pauline Easley, Circuit Clerk and Registrar of Claiborne County; J. W. Smith, Circuit Clerk and Registrar

of Coahoma County; Mrs. Martha Turner Lamb, Circuit [fol. 51] Clerk and Registrar of LeFlore County; T. E. Wiggins, Circuit Clerk and Registrar of Lowndes County; Wendell B. Holmes, Circuit Clerk and Registrar of Pike County, Mississippi, who are so named as Defendants in the Complaint, without waiving or intending to waive any right, privilege or immunity, or lack of jurisdiction of the person of any of said Defendants or the subject matter of this suit, but reserving all of same, without making any general appearance in this cause, and appearing specially for the purpose or purposes of these motions, jointly and severally move the Court as follows:

Motion No. 1

Motion to Strike

The Defendants in this cause move the Court to strike from the Complaint filed on behalf of the Plaintiff, United States of America, the hereinafter designated paragraphs, portions of paragraphs or allegations thereof on the ground that they constitute immaterial or impertinent, or immaterial and impertinent, matter in this cause as apparent from the fact of the Complaint and the statutes therein alleged to be the basis of the Complaint and for the further reason that no evidence based on the allegations contained in this Complaint, as specifically enumerated, would be admissible on a hearing or a trial of this cause.

- (1) Paragraph 11 of the Complaint.
- (2) Paragraph 12 of the Complaint.
- (3) Paragraph 13 of the Complaint.
- (4) Paragraph 14 of the Complaint.
- (5) Paragraph 15 of the Complaint.

[fol. 52] (6) The second sentence of Paragraph 16 of the Complaint.

- (7) Paragraph 17 of the Complaint.
- (8) Paragraph 18 of the Complaint.
- (9) Paragraph 19 of the Complaint.
- (10) Paragraph 20 of the Complaint.
- (11) Paragraph 21 of the Complaint.
- (12) Paragraph 22 of the Complaint.
- (13) Paragraph 23 of the Complaint.
- (14) Paragraph 24 of the Complaint.

- (15) Paragraph 25 of the Complaint.
- (16) Paragraph 26 of the Complaint.
- (17) Paragraph 27 of the Complaint.
- (18) Paragraph 28 of the Complaint.
- (19) Paragraph 29 of the Complaint.
- (20) Paragraph 30 of the Complaint.
- (21) Sentences 2 and 3 of Paragraph 31 of the Complaint.
- (22) Paragraph 32 of the Complaint.
- (23) Paragraph 33 of the Complaint.
- (24) Paragraph 34 of the Complaint.
- (25) Paragraph 35 of the Complaint.
- (26) Paragraph 36 of the Complaint.
- (27) Paragraph 37 of the Complaint.
- (28) Paragraph 38 of the Complaint.
- (29) Paragraph 39 of the Complaint.
- (30) Paragraph 40 of the Complaint.
- (31) Paragraph 41 of the Complaint.
- [fol. 53] (32) Subsections (c) and (d) of Paragraph 42 of the Complaint.
- (33) Paragraph 45 of the Complaint.
- (34) Paragraph 47 of the Complaint.
- (35) Paragraph 48 of the Complaint.
- (36) Paragraph 49 of the Complaint.
- (37) Paragraph 50 of the Complaint.
- (38) Paragraph 52 of the Complaint.
- (39) Paragraph 53 of the Complaint.
- (40) The second sentence of Paragraph 56 of the Complaint.
- (41) Paragraph 58 of the Complaint.
- (42) Paragraph 59 of the Complaint.
- (43) Paragraph 62 of the Complaint.
- (44) Paragraph 63 of the Complaint.
- (45) Paragraph 64 of the Complaint.
- (46) The second sentence of Paragraph 66 of the Complaint, and subsections (a), (b), (c), (d), (e).
- (47) Paragraph 67 of the Complaint.
- (48) Paragraph 68 of the Complaint.
- (49) Paragraph 69 of the Complaint.
- (50) Paragraph 70 of the Complaint.

Motion No. 2

Motion for a More Definite Statement

As hereinafter more fully indicated in this motion for a more definite statement, this motion is made in the alternative to the extent that if the motion to strike is sustained as to the paragraphs, portions of paragraphs or allegations of the Complaint, to which the motion for a more definite statement is also addressed, then as to such paragraphs, portions of paragraphs or allegations the motion for a more definite statement should be disregarded because they will be ordered stricken.

The Defendants move this Court to require the Plaintiff, the United States of America, to file a more definite statement relative to the following designated portions of the Complaint because the same are so vague, broad, general, all-inclusive and—ambiguous that these Defendants cannot reasonably or properly be required to frame a responsive pleading or answer thereto, and for grounds thereof would show:

(1) This motion for a more definite statement is the only proceeding or the most appropriate method under the Federal Rules of Civil Procedure to properly and adequately require the Plaintiff to properly present to this Court and these Defendants the ultimate facts or issues and basis of claims and assertions which Plaintiff intimates or indicates against these Defendants and unless Plaintiff is required to make the more definite statements herein requested, these Defendants and the Court will be hindered and prejudiced and the proper disposition of this cause will be unduly delayed. This Defendant is advised and believes and thereupon says that Plaintiff can readily and promptly, without prejudice to this cause or Complaint, if any it has, render and make the more definite statements herein requested.

[fol. 55] (2) The portions of the Complaint as to which a more definite statement is hereby requested, the defects therein, which Defendants complain of, and the details desired are as hereinafter set out. This motion is not made for the sole purpose of delay, but so that justice may be done.

(3) This motion is made on the basis of assuming, for the moment, that Part IV of the Civil Rights Act of 1957 (71 Stat. 637) and Title VI of the Civil Rights Act of 1960 (74 Stat. 90), are valid and constitutional, but which validity and constitutionality these Defendants deny and do not waive by filing this motion for a more definite statement.

(4) As to Paragraph 21 of the Complaint, the Plaintiff alleges in said paragraph as follows:

"21. During the period from, 1899 to approximately 1952, white political supremacy in Mississippi was maintained and promoted by the following methods among others (a) negroes were not allowed to register to vote. (b) Literate negroes were required to interpret sections of the Mississippi Constitution. (c) Negroes were excluded from Democratic primary elections. During this time, victory in the Democratic primary in Mississippi was tantamount to election."

The above-quoted paragraph of the Complaint is broad, vague, ambiguous, nebulous and does not state the ultimate facts or tender any proper issue to these Defendants. The words "among others" in the first sentence of the above-quoted paragraph should be made more definite as it indicates that Plaintiff may be or is relying upon claims which it fails or refuses to allege and divulge to the Defendants in this Complaint. If there are other claims in regard to white political supremacy, the Plaintiff should be required to tender a more definite statement and particularly identify these allegations in order to enable the Defendants to make a responsive pleading thereto.

As to subsection (a) of Paragraph 21 of the Complaint, the Plaintiff alleges that "negroes were not allowed to register to vote." Such an allegation is too broad, loose, and general and does not tender a proper issue to these Defendants and it does not properly and definitely state:

How,

Where,

What date or dates,

What were the facts as to or surrounding or under what circumstances,

When were any negroes not allowed to register to vote and who refused to allow them to register,

What are the names and addresses of the negroes who were not allowed to register to vote,

If by said allegation in said Paragraph 21 Plaintiff means to now charge these Defendants, or any of them, with committing any discrimination or discriminatory acts which caused or brought about this alleged condition based upon race, color, or previous condition of servitude or any lack of equal protection or due process of law.

[fol. 57] As to subsection (b) of Paragraph 21 of the Complaint, the Plaintiff alleges that "literate negroes were required to interpret sections of the Mississippi Constitution." This allegation is too broad, loose, and general and does not tender a proper issue to these Defendants as it does not properly and definitely state:

When,

Where,

By or through whom,

What date or dates,

What literate negroes were required to interpret sections of the Mississippi Constitution.

What were the facts as to or surrounding or under what circumstances

did any of these Defendants require literate negroes to interpret sections of the Mississippi Constitution,

What are the names and addresses of any literate negroes who were required to interpret sections of the Mississippi Constitution,

If by said allegation in said Paragraph 21 Plaintiff means to now charge these Defendants, or any of them, with committing any discrimination or discriminatory acts which caused or brought about this alleged condition based upon race, color, or previous condition of servitude or any lack of equal protection or due process of law.

As to subsection (c) of Paragraph 21 of the Complaint, the Plaintiff alleges that "negroes were excluded from [fol. 58] Democratic primary elections and during this time, victory in the Democratic primary in Mississippi was tantamount to election." This allegation is too broad,

loose; and general and does not tender a proper issue to these Defendants as it does not properly and definitely state:

Where,

By or through whom,

What date or dates,

What were the facts as to or surrounding or under what circumstances,

When were negroes excluded from Democratic primary elections,

What are the names and addresses of the negroes who were excluded from the Democratic primary elections,

If by said allegation in said Paragraph 21 Plaintiff means to now charge these Defendants, or any of them, with committing any discrimination or discriminatory acts which caused or brought about this alleged condition based upon race; color, or previous condition of servitude or any lack of equal protection or due process of law.

(5) As to Paragraph 35 of the Complaint, the Plaintiff alleges in said paragraph as follows:

"35. The effect of the amendment to Section 244 is to place the burden of more stringent requirements for registration on negro citizens or voting age in Mississippi, the great majority of whom were not registered to vote. The white citizens of voting age, the great majority of whom were registered to vote, were not subjected to these requirements."

This allegation is too broad, loose, and general and does [fol. 59] not tender a proper issue to these Defendants as it does not properly and definitely state:

When,

Where,

By or through whom,

What date or dates,

What are the names and addresses of the negro citizens of voting age in Mississippi who have had greater burdens or more stringent requirements cast upon them than were cast upon white persons seeking to register,

What were the facts as to or surrounding or under what circumstances,

If by said allegations in Paragraph 35 Plaintiff means to now charge these Defendants, or any of the, with committing any discrimination or discriminatory acts which caused or brought about this alleged condition based upon race, color or previous condition of servitude or any lack of equal protection or due process of law.

(6) As to Paragraph 41 of the Complaint, the Plaintiff alleges in said paragraph as follows:

"41. The defendant registrars of voters, vested with the discretion described in Paragraph 38, have used, are using, and will continue to use the interpretation test and the duties and obligations test to deprive otherwise qualified negro citizens of the right to register to vote without distinction of race or color. The existence of the interpretation test and the duties and obligations test as voter qualifications in Mississippi, their enforcement, and the threat of their enforcement [fol. 60] have deterred, are deterring and will continue to deter otherwise qualified negroes in Mississippi from applying for registration to vote."

This allegation is too broad, loose, and general and does not tender a proper issue to these Defendants as it does not properly and definitely state:

What are the names and addresses of the "otherwise qualified negroes" who have been deprived of the right to register to vote without distinction of race or color,

When,

Where,

By or through whom,

What date or dates,

What were the facts as to or surrounding or under what circumstances.

If by said allegations in said Paragraph 41 Plaintiff means to now charge these Defendants, or any of them, with committing any discrimination or discriminatory acts which caused or brought about this alleged condition based

upon race, color, or previous condition of servitude or any lack of equal protection or due process of law,

If by said allegation in said Paragraph 41 Plaintiff means to now charge these Defendants, or any of them, with deterring otherwise qualified negroes in Mississippi from applying for registration to vote.

(7) As to Paragraph 52 of the Complaint, the Plaintiff alleges in said paragraph as follows:

[fol. 61] "52. The existence of the character qualification in Mississippi, its enforcement, and the threat of its enforcement, in the absence of any objective criteria which apply to all voters, have deterred, are deterring, and will continue to deter qualified negro citizens in Mississippi from applying to register to vote. The threatened use and the use by the Defendant registrars of voters of the character requirement deprive and will deprive otherwise qualified negro citizens of the right to register to vote without distinction of race or color."

This allegation is too broad, loose, and general and does not tender a proper issue to these Defendants, or any of them, as it does not properly and definitely state:

When,

Where,

By or through whom,

What date or dates,

What were the facts as to or surrounding or under what circumstances,

What are the names and addresses of all "qualified negro citizens" who have been deterred, are being deterred, and will continue to be deterred from registering to vote because of the character qualification,

If by said allegations in said Paragraph 52 Plaintiff means to now charge these Defendants, or any of them, with committing any discrimination or discriminatory acts which caused or brought about this alleged condition based upon race, color or previous condition of servitude or any lack of equal protection or due process of law.

[fol. 62] (8) As to Paragraph 69 of the Complaint, the Plaintiff alleges in said paragraph as follows:

"69. Mississippi registrars of voters are required to apply these new and onerous requirements. The defendant registrars have applied such requirements. The existence of these onerous requirements, their enforcement, and the threat of their enforcement have deterred, are deterring, and will continue to deter, otherwise qualified negroes in Mississippi from applying to register to vote."

This allegation is too broad, loose, and general and does not tender a proper issue to these Defendants or any of them, as it does not properly and definitely state:

When,

Where,

By or through whom,

What date or dates,

What are the names and addresses of the "otherwise qualified negroes" who have been deterred from applying to register to vote,

What are "these new and onerous requirements" that Plaintiff refers to in this paragraph of the Complaint,

Which of these Defendants, if any, have applied these "new and onerous requirements" as referred to in this paragraph of the Complaint,

What were the facts as to or surrounding or under what circumstances were these "new and onerous requirements" applied and by whom were they applied,

If by said allegations in said Paragraph 69 Plaintiff means to now charge these Defendants, or any of them, [fol. 63] with committing any discrimination or discriminatory acts which caused or brought about this alleged condition based upon race, color or previous condition of servitude or any lack of equal protection or due process of law.

Respectfully Submitted this the 19th day of November, 1962.

H. K. Whittington, Circuit Clerk and Registrar of Amite County, Mississippi. T. F. Badon, Attorney at Law, Liberty, Mississippi. By: /s/ Joe G.

Gordon, Attorney at Law, Liberty, Mississippi. J. W. Smith, Circuit Clerk and Registrar of Coahoma County, Mississippi. Leon Porter, Attorney at Law, Clarksdale, Mississippi. Chester Curtis, Attorney at Law, Clarksdale, Mississippi. By: /s/ Semmes Luckett, Attorney at Law, Clarksdale, Mississippi. Mrs. Martha Turner Lamb, Circuit Clerk and Registrar of LeFlore County, Mississippi. Aubrey Bell, Attorney at Law, Greenwood, Mississippi. By: /s/ Hardy Lott, Attorney at Law, Greenwood, Mississippi. Mrs. Pauline Easley, Circuit Clerk and Registrar of Claiborne County, Mississippi. By: /s/ Joe Drake, Attorney at Law, Port Gibson, Mississippi. Wendell R. Holmes, Circuit Clerk and Registrar of the Pike County, Mississippi. By: /s/ B. D. Statham, Attorney at Law, Magnolia, Mississippi. T. E. Wiggins, Circuit Clerk and Registrar of Lowndes County, Mississippi. J. O. Sams, Jr., Attorney at Law, Columbus, Mississippi. W. H. Jolly, Attorney at Law, Columbus, Mississippi. By: /s/ William G. Burgin, Jr., Attorney at Law, Columbus, Mississippi. Ross R. Barnett, Joe T. Patterson, Heber A. Ladner, as members of the Mississippi State Board of Election Commissioners, and the Other Defendants. [fol. 65] Dugas Shands, Will S. Wells, Guy N. Rogers, William A. Allain, Assistant Attorneys General of the State of Mississippi. Peter M. Stockett, Jr., Darryl A. Hurt, Special Assistant Attorneys General of the State of Mississippi. By: /s/ Will S. Wells, Assistant Attorney General of the State of Mississippi.

[fol. 66] Certificate of Service omitted in printing.

[fol. 67], [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

[Civil Action No. 3312]

[Title omitted]

MOTION OF DEFENDANTS FOR SEPARATE TRIALS OF CLAIMS—
Filed November 19, 1962.

The defendants move the Court, under Rule 42(b) of the Federal Rules of Civil Procedure to grant or order separate trials as to the constitutionality of the Amendments to the Constitution of the State of Mississippi and the Legislative Acts of the State herein complained of, on the one hand and all other claims of the Plaintiff on the other [fol. 68] hand, in furtherance of the convenience of this Court and in order to avoid prejudice to the defendants.

In the alternative defendants move that all claims of the plaintiff other than the claims of the unconstitutionality of the various amendments and statutes and the injunctive relief sought thereunder be referred for hearing to the district judge of the Southern District of Mississippi in order that this Court might be relieved of the taking and hearing of a myriad of testimony, perhaps extending over many days and because these matters can best be heard by a district judge in the normal course of orderly judicial procedure.

Respectfully submitted this the 19th day of November, 1962.

T. F. Badon, Attorney at Law, Liberty, Mississippi.
Joe D. Gordon, Attorney at Law, Liberty Mississippi.
Joe Drake, Attorney at Law, Port Gibson, Mississippi.
Semmes Luckett, Attorney at Law, Clarksdale, Mississippi.
Chester Curtis, Attorney at Law, Clarksdale, Mississippi.
Aubrey Bell, Attorney at Law, Greenwood, Mississippi.
Hardy Lott, Attorney at Law, Greenwood, Mississippi.
J. O. Sams, Jr., Attorney at Law, Columbus, Mississippi.
William Burgin, Attorney at Law, Columbus, Mississippi.
W. H. Jolly, At-

[fol. 69] torney at Law, Columbus, Mississippi. B. D. Statham, Attorney at Law, Magnolia, Mississippi. Joe. T. Patterson, Attorney General for the State of Mississippi. Will S. Wells, Dugas Shanda, Guy N. Rogers, and William A. Allain, Assistant Attorneys General for the State of Mississippi. Peter M. Stockett, Jr. and Darryl A. Hurt, Special Assistant Attorneys General for the State of Mississippi. By: /s/ Will S. Wells, Assistant Attorney General for the State of Mississippi, one of the Attorneys of Record for Defendants.

[fol. 70] Certificate of service omitted in printing.

[fol. 71] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

Civil Action No. 3312

[Title omitted]

MOTION OF THE DEFENDANTS TO DISMISS THE COMPLAINT FOR
LACK OF JURISDICTION OF THE SUBJECT MATTER—Filed
November 19, 1962.

Comes now the Defendants, the State of Mississippi; Ross R. Barnett, Joe T. Patterson, Heber A. Ladner, as members of the Mississippi State Board of Election Commissioners; H. K. Whittington, Circuit Clerk and Registrar of Amite County; Mrs. Pauline Easley, Circuit Clerk and Registrar of Claiborne County; J. W. Smith, Circuit Clerk and Registrar of Coahoma County; Mrs. Martha Turner [fol. 72] Lamb, Circuit Clerk and Registrar of Le Flore County; T. E. Wiggins, Circuit Clerk and Registrar of Lowndes County; Wendell R. Holmes, Circuit Clerk and

Registrar of Pike County, and move the Court to dismiss the Complaint for lack of jurisdiction of the subject matter.

Respectfully submitted this the 19th day of November, 1962.

T. F. Badon, Attorney at Law, Liberty, Mississippi.
Joe D. Gordon, Attorney at Law, Liberty, Mississippi. Joe Drake, Attorney at Law, Port Gibson, Mississippi. Semmes Luckett, Attorney at Law, Clarksdale, Mississippi. Chester Curtis, Attorney at Law, Clarksdale, Mississippi. Aubrey Bell, Attorney at Law, Greenwood, Mississippi. Hardy Lott, Attorney at Law, Greenwood, Mississippi. J. O. Sams, Jr., Attorney at Law, Columbus, Mississippi. William Burgin, Attorney at Law, Columbus, Mississippi. W. H. Jolly, Attorney at Law, Columbus, Mississippi. B. D. Statham, Attorney at Law, Magnolia, Mississippi. Joe T. Patterson, Attorney General for the State of Mississippi. Will S. Wells, Dugas Shands, Guy N. Rogers, and William A. Allain, Assistant Attorneys General for the State of Mississippi. Peter M. Stockett, [fol. 73] Jr. and Darryl A. Hurt, Special Assistant Attorneys General for the State of Mississippi. By /s/ Peter M. Stockett, Jr., Special Assistant Attorney General for the State of Mississippi, One of the Attorneys of Record for Defendants.

[fols. 74-92] Certificate of service omitted in printing.

[fol. 93]

[File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

Civil Action No. 3312

[Title omitted]

SEPARATE MOTIONS OF THE DEFENDANT, THE STATE OF MISSISSIPPI—Filed November 19, 1962

Comes the defendant, the State of Mississippi, by Joe T. Patterson, Attorney General, and without waiving or intending to waive any right, privilege or immunity which it has or may have under the Federal Rules of Civil Procedure or the Constitution and laws of the United States and the State of Mississippi, and preserving and reserving all of the same, and in accord with the applicable provisions of the Federal Rules of Civil Procedure and prior orders of this Court and moves the Court as follows:

[fol. 94]

No.

MOTION OF THE STATE OF MISSISSIPPI TO DISMISS BECAUSE OF LACK OF JURISDICTION OF THE PERSON OF THIS DEFENDANT.

The defendant, State of Mississippi, moves the Court to dismiss the complaint or action against it because, as apparent from the face of the complaint, the Court does not have jurisdiction of the person of this defendant as to any matter or claim alleged or sought to be alleged in the complaint.

[fol. 95]

No.

**MOTION OF DEFENDANT, STATE OF MISSISSIPPI, TO DROP OR
ELIMINATE AS A PARTY DEFENDANT HEREIN**

The defendant, State of Mississippi, moves the Court to eliminate or drop it as a party defendant in this cause because there is a misjoinder of parties defendant by the inclusion of the State of Mississippi as a party defendant; as apparent from the face of the complaint, it fails to state a claim against this defendant upon which relief may be granted, and plaintiff cannot state a claim against the State under Title 42 U.S.C. 1971.

[fol. 96]

No.

**MOTION OF DEFENDANT, STATE OF MISSISSIPPI, TO DISMISS
BECAUSE OF LACK OF CAPACITY IN PLAINTIFF TO SUE**

The defendant, State of Mississippi, in accord with rule 9(a) of the Federal Rules of Civil Procedure, moves the Court to dismiss this action or complaint against it because, as apparent from the face of the complaint, plaintiff does not have the capacity to bring this action against it or sue it in this cause and plaintiff's capacity to sue is jurisdictional, in that no provision of the Constitution of the United States, including the amendments thereto, and specifically Amendments Fourteen and Fifteen, and no valid act of the Congress of the United States authorizes plaintiff to bring or prosecute this suit against this defendant, and no valid law or statute enacted by Congress authorizes the plaintiff to bring or maintain this action against this defendant.

•[fol. 97] Respectfully submitted this the 19th day of November, 1962.

State of Mississippi, By: Joe T. Patterson, Attorney General for the State of Mississippi, Jackson, Mississippi. Will S. Wells, Dugas Shands, Guy N. Rogers and William A. Allain, Assistant Attorneys General for the State of Mississippi.

Peter M. Stockett, Jr. and Darryl A. Hurt, Special Assistant Attorneys General for the State of Mississippi. By: /s/ Will S. Wells, Assistant Attorney General for the State of Mississippi, one of the Attorneys of Record for Defendants.

[fol. 98] Certificate of service omitted in printing.

[fol. 99] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

Civil Action No. 3312

[Title omitted]

SEPARATE MOTIONS OF THE DEFENDANTS, MRS. PAULINE
EASLEY, J. W. SMITH, MRS. MARTHA TURNER LAMB AND
T. E. WIGGINS—Filed November 19, 1962.

Without waiving or intending to waive any right, privilege or immunity which they or either of them has or may have under the Federal Rules of Civil Procedure or the Constitution and laws of the United States and the State of Mississippi, and preserving and reserving all of them and in accord with the applicable provisions of the Federal Rules of Civil Procedure and prior orders of this Court, the defendants, Mrs. Pauline Easley, J. W. Smith, Mrs. Martha Turner Lamb and T. E. Wiggins move the Court as follows:

[fol. 100] MOTION OF DEFENDANT, MRS. MARTHA TURNER
LAMB, FOR SEVERANCE AND CHANGE OF VENUE—Filed November 19, 1962.

The defendant, Mrs. Martha Turner Lamb, moves the court for a severance and to change the venue as to her in this cause, and to transfer said cause of action alleged

against her to the United States District Court for the Northern District of Mississippi, in the Greenville Division thereof, and for grounds therefor says:

(1) The complaint, though drawn in vague, loose, general, abstruse and indefinite terms, may seek to allege illegal or discriminatory application by this defendant of the [fol. 101] constitutional and statutory provisions of the State of Mississippi referred to in the complaint, and may seek injunctive relief against this defendant in accordance with the provisions of Section 1971 (c) of Title 42, United States Code Annotated. This defendant is a resident of Leflore County, Mississippi, and all of her acts as Registrar in and for Leflore County, Mississippi, were and are performed in said county and in the jurisdiction of the United States District Court for the Northern District of Mississippi, Greenville Division, which is the proper forum for trial of any issues against this defendant alleged in said complaint.

(2) The State of Mississippi is not a proper party in this cause, and this defendant, Mrs. Martha Turner Lamb, is not an officer or agent of the State of Mississippi, nor has the State of Mississippi authorized, ratified or adopted any act of this defendant as Registrar of Leflore County, Mississippi, and therefore, there is a misjoinder of parties defendant in this cause which is prejudicial to the right of this defendant to have any cause of action asserted against her tried in the district where she resides, in which her official duties are performed, and where any alleged illegal or discriminatory acts by her purport to have been committed.

(3) This defendant will, as is apparent from the face of the complaint, be severely and irrevocably prejudiced, personally inconvenienced, the conduct of her official duties as Circuit Court Clerk and Registrar of Leflore County, Mississippi, will be unduly hampered, impeded and inter-[fol. 102] fered with, and witnesses in her behalf will be seriously and oppressively inconvenienced unless the severance and change of venue requested hereby is granted.

(4) This defendant has been joined as a party defendant with five other county registrars, whose acts in the administration of the constitutional and statutory provisions of the State of Mississippi respecting voting have no connec-

tion, directly or indirectly, with any acts of this defendant as Registrar in Leflore County; and evidence of any alleged illegal or discriminatory application of the constitution and statutes of Mississippi respecting voting by any one or more of the other defendant registrars, would not be admissible against, and would be highly prejudicial to, this defendant.

(5) Unless the severance and change of venue requested by this motion is granted the trial of any issues that may be alleged in the complaint against this defendant will be unduly delayed and impeded, and the orderly proceedings of this court will be interrupted and interfered with.

(6) The three Judge Court does not have any jurisdiction to hear and determine alleged violations of Section 1971 by this defendant, jurisdiction of the trial of such proceeding against this defendant being vested in the United States District Court, for the Northern District of Mississippi.

Bell & McBee, Lott & Sanders, Attorneys at Law,
Greenwood, Mississippi, Attorneys for Mrs. Martha Turner Lamb. By /s/ Hardy Lott.

[fol. 103] MOTION OF DEFENDANT MRS. MARTHA TURNER LAMB, FOR SEPARATE TRIAL OF ANY ALLEGATIONS WHICH MAY BE ALLEGED IN THE COMPLAINT OF ILLEGAL OR DISCRIMINATORY APPLICATION BY HER OF THE CONSTITUTIONAL AND STATUTORY PROVISIONS OF THE STATE OF MISSISSIPPI—
Filed November 19, 1962.

If the motion of the defendant, Mrs. Martha Turner Lamb, for severance and change of venue as to her is denied, then she moves in the alternative, that the court grant a separate trial of any and all allegations set forth in the complaint, of discriminatory administration or application of the constitutional and statutory provisions of the State of Mississippi by this defendant, if any there be, and for grounds therefor says:

(1) This defendant has been joined as a party defendant [fol. 104] with five other county registrars, whose acts in the administration of the constitutional and statutory pro-

visions of the State of Mississippi respecting voting have no connection, directly or indirectly, with any acts of this defendant as registrar of Leflore County, and evidence of any alleged illegal or discriminatory application of the constitution and statutes of Mississippi respecting voting by any one or more of the other defendant registrars, would not be admissible against, and would be highly prejudicial to, this defendant.

(2) Unless the separate trial of such issues, if any, requested by this motion is granted the trial of any issues that may be alleged in the complaint against this defendant will be unduly delayed and impeded, and the orderly proceedings of this court will be interrupted and interfered with.

Bell & McBee, Lott & Sanders, Attorneys at Law,
Greenwood, Mississippi, Attorneys for Mrs. Martha Turner Lamb. By /s/ Hardy Lott.

[fol. 105] MOTION OF DEFENDANT, T. E. WIGGINS, FOR SEVERANCE AND CHANGE OF VENUE—Filed November 19, 1962.

The defendant, T. E. Wiggins, moves the court for a severance and to change the venue as to him in this cause, and to transfer said cause of action alleged against him to the United States District Court for the Northern District of Mississippi, in the Eastern Division thereof, and for grounds therefor says:

(1) The complaint, though drawn in vague, loose, general, abstruse and indefinite terms, may seek to allege illegal or discriminatory application by this defendant of the constitutional and statutory provisions of the State of Mississippi referred to in the complaint, and may seek injunctive relief against this defendant in accordance with the provisions of Section 1971(c) of Title 42, United States Code Annotated. This defendant is a resident of, and all of his acts as Registrar in and for Lowndes County, Mississippi were and are performed in the jurisdiction of the United States District Court for the Northern District of Mississippi, Eastern Division, which is the proper forum

for trial of any issues against this defendant alleged in said complaint.

(2) The State of Mississippi is not a proper party in this cause, and this defendant, T. E. Wiggins, is not an officer or agent of the State of Mississippi; nor has the State of Mississippi authorized, ratified or adopted any act of this defendant as Registrar of Lowndes County, Mississippi, and therefore, there is a misjoinder of parties defendant in this cause which is prejudicial to the right [fol. 106] of this defendant to have any cause of action asserted against him tried in the district where he resides, in which his official duties are performed, and where any alleged illegal or discriminatory acts by him purport to have been committed.

(3) This defendant will, as is apparent from the face of the complaint, be severely and irrevocably prejudiced, personally inconvenienced, the conduct of his official duties as Registrar of Lowndes County, Mississippi will be unduly hampered, impeded and interfered with, and witnesses in his behalf will be seriously and oppressively inconvenienced unless the severance and change of venue requested hereby is granted.

(4) This defendant has been joined as a party defendant with five other county registrars, whose acts in the administration of the constitutional and statutory provisions of the State of Mississippi respecting voting have no connection, directly or indirectly, with any acts of this defendant as Registrar in Lowndes County; and evidence of any alleged illegal or discriminatory application of the constitution and statutes of Mississippi respecting voting by any one or more of the other defendant registrars, would not be admissible against, and would be highly prejudicial to, this defendant.

(5) Unless the severance and change of venue requested by this motion is granted the trial of any issues that may be alleged in the complaint against this defendant will be unduly delayed and impeded, and the orderly proceedings of this court will be interrupted and interfered with.

[fol. 107] (6) The three Judge Court does not have any jurisdiction to hear and determine alleged violations of Section 1971 by this defendant, jurisdiction of the trial of

such proceeding against this defendant being bested in the United States District Court, for the Northern District of Mississippi.

[fol. 108] MOTION OF DEFENDANT, T. E. WIGGINS, FOR SEPARATE TRIAL OF ANY ALLEGATIONS WHICH MAY BE ALLEGED IN THE COMPLAINT OF ILLEGAL OR DISCRIMINATORY APPLICATION BY HIM OF THE CONSTITUTIONAL AND STATUTORY PROVISIONS OF THE STATE OF MISSISSIPPI—Filed November 19, 1962.

If the motion of the defendant, T. E. Wiggins, for severance and change of venue as to him is denied, then he moves in the alternative, that the court grant a separate trial of any and all allegations in the complaint of discriminatory administration or application of the constitutional and statutory provisions of the State of Mississippi by this defendant, if any there be, and for grounds therefor says:

(1) This defendant has been joined as a party defendant with five other county registrars, whose acts in the administration of the constitutional and statutory provisions of the State of Mississippi respecting voting have no connection, directly or indirectly, with any acts of this defendant as registrar in Lowndes County, and evidence of any alleged illegal or discriminatory application of the constitution and statutes of Mississippi respecting voting by any one or more of the other defendant registrars, would not be admissible against, and would be highly prejudicial to, this defendant.

(2) Unless the separate trial of such issues, if any, requested by this motion is granted the trial of any issues that may be alleged in the complaint against this defendant will be unduly delayed and impeded, and the orderly proceedings of this court will be interrupted and interfered with.

[fol. 109] MOTION OF DEFENDANT, MRS. PAULINE EASLEY, FOR SEVERANCE AND CHANGE OF VENUE—Filed November 19, 1962.

The defendant, Mrs. Pauline Easley, moves the court for a severance and to change the venue as to her in this cause, and to transfer said cause of action alleged against her to the United States District Court for the Southern District of Mississippi, in the western Division thereof, and for grounds therefor says:

(1) The complaint, though drawn in vague, loose, general, abstruse and indefinite terms, may seek to allege illegal or discriminatory application by this defendant of the constitutional and statutory provisions of the State of Mississippi referred to in the complaint, and may seek injunctive relief against this defendant in accordance with the provisions of Section 1971(c) of Title 42, United States Code Annotated. This defendant is a resident of, and all of her acts as Registrar in and for Claiborne County, Mississippi, were and are performed in the jurisdiction of the United States District Court for the Southern District of Mississippi, Western Division, which is the proper forum for trial of any issues against this defendant alleged in said complaint.

(2) The State of Mississippi is not a proper party in this cause, and this defendant, Mrs. Pauline Easley, is not an officer or agent of the State of Mississippi, nor has the State of Mississippi authorized, ratified or adopted any act of this defendant as Registrar of Claiborne County, Mississippi, and therefore, there is a misjoinder of parties defendant in this cause which is prejudicial to the right of this defendant to have any cause of action asserted against her tried in the district where she resides, in which her official duties are performed, and where any alleged illegal or discriminatory acts by her purport to have been committed.

[fol. 110] (3) This defendant will, as is apparent from the face of the complaint, be severely and irrevocably prejudiced, personally inconvenienced, the conduct of her official duties as Registrar of Claiborne County, Mississippi will be unduly hampered, impeded and interfered with, and witnesses in her behalf will be seriously and oppressively in-

convenienced unless the severance and change of venue requested hereby is granted.

(4) This defendant has been joined as a party defendant with five other county registrars, whose acts in the administration of the constitutional and statutory provisions of the State of Mississippi respecting voting have no connection, directly or indirectly, with any acts of this defendant as Registrar in Claiborne County; and evidence of any alleged illegal or discriminatory application of the constitution and statutes of Mississippi respecting voting by any one or more of the other defendant registrars, would not be admissible against, and would be highly prejudicial to, this defendant.

(5) Unless the severance and change of venue requested by this motion is granted the trial of any issues that may be alleged in the complaint against this defendant will be unduly delayed and impeded, and the orderly proceedings of this court will be interrupted and interfered with.

(6) The three Judge Court does not have any jurisdiction to hear and determine alleged violations of Section 1971 by this defendant, jurisdiction of the trial of such proceeding against this defendant being vested in the United States District Court, for the Southern District of Mississippi, in the Western Division thereof.

[fol. 111] MOTION OF DEFENDANT, MRS. PAULINE EASLEY, FOR SEPARATE TRIAL OF ANY ALLEGATIONS WHICH MAY BE ALLEGED IN THE COMPLAINT OF ILLEGAL OR DISCRIMINATORY APPLICATION BY HER OF THE CONSTITUTIONAL AND STATUTORY PROVISIONS OF THE STATE OF MISSISSIPPI—Filed November 19, 1962.

If the motion of the defendant, Mrs. Pauline Easley, for severance and change of venue as to her is denied, then she moves in the alternative, that the court grant a separate trial of any and all allegations set forth in the complaint, of discriminatory administration or application of the constitutional and statutory provisions of the State of Mississippi by this defendant, if any there be, and for grounds therefor says:

(1) This defendant has been joined as a party defendant with five other county registrars, whose acts in the administration of the constitutional and statutory provisions of the State of Mississippi respecting voting have no connection, directly or indirectly, with any acts of this defendant as registrar in Claiborne County, and evidence of any alleged illegal or discriminatory application of the constitution and statutes of Mississippi respecting voting by any one or more of the other defendant registrars, would not be admissible against, and would be highly prejudicial to, this defendant.

(2) Unless the separate trial of such issues, if any, requested by this motion is granted the trial of any issues that may be alleged in the complaint against this defendant will be unduly delayed and impeded, and the orderly proceedings of this court will be interrupted and interfered with.

[fol. 112] **MOTION OF DEFENDANT, J. W. SMITH, FOR SEVERANCE AND CHANGE OF VENUE**—Filed November 19, 1962

The defendant, J. W. Smith, moves the court for a severance and to change the venue as to him in this cause, and to transfer said cause of action alleged against him to the United States District Court for the Northern District of Mississippi, in the Delta Division thereof, and for grounds therefor says:

(1) The complaint, though drawn in vague, loose, general, abstruse and indefinite terms, may seek to allege illegal or discriminatory application by this defendant of the constitutional and statutory provisions of the State of Mississippi referred to in the complaint, and may seek injunctive relief against this defendant in accordance with the provisions of Section 1971(c) of Title 42, United States Code Annotated. This defendant is a resident of, and all of his acts as Registrar in and for Coahoma County, Mississippi, were and are performed in the jurisdiction of the United States District Court for the Northern District of Mississippi, Delta Division, which is the proper

[fol. 113]

forum for trial of any issues against this defendant alleged in said complaint.

(2) The State of Mississippi is not a proper party in this cause, and this defendant, J. W. Smith, is not an officer or agent of the State of Mississippi, nor has the State of Mississippi authorized, ratified or adopted any act of this defendant as Registrar of Coahoma County, Mississippi, and therefore, there is a misjoinder of parties defendant in this cause which is prejudicial to the right of this defendant to have any cause of action asserted against him tried in the district where he resides, in which his official duties are performed, and where any alleged illegal or discriminatory acts by him purport to have been committed.

(3) This defendant will, as is apparent from the face of the complaint, be severely and irrevocably prejudiced, personally inconvenienced, and the conduct of his official duties as Registrar of Coahoma County, Mississippi, will be unduly hampered, impeded and interfered with, and witnesses in his behalf will be seriously and oppressively inconvenienced unless the severance and change of venue, requested hereby is granted.

(4) This defendant has been joined as a party defendant with five other county registrars, whose acts in the administration of the constitutional and statutory provisions of the State of Mississippi respecting voting have no connection, directly or indirectly, with any acts of this defendant as Registrar of Coahoma County, and the evidence of any alleged illegal or discriminatory application of the constitution [fol. 114] and statutes of Mississippi respecting voting by any one or more of the defendant registrars, would not be admissible against, and would be highly prejudicial to, this defendant.

(5) Unless the severance and change of venue requested by this motion is granted the trial of any issues that may be alleged in the complaint against this defendant will be unduly delayed and impeded, and the orderly proceedings of this court will be interrupted and interfered with.

(6) The three Judge Court does not have any jurisdiction to hear and determine alleged violations of Section 1971 by this defendant; jurisdiction of the trial of such

proceeding against this defendant being vested in the United States District Court, for the Northern District of Mississippi.

/s/ Semmes Luckett. /s/ Chester H. Curtis. /s/
Leon L. Porter, Jr., Attorneys for defendant, J. W.
Smith, Clarksdale, Mississippi.

[fol. 115] MOTION OF DEFENDANT, J. W. SMITH, FOR SEPARATE TRIAL OF ANY ALLEGATIONS WHICH MAY BE ALLEGED IN THE COMPLAINT OF ILLEGAL OR DISCRIMINATORY APPLICATION BY HIM OF THE CONSTITUTIONAL AND STATUTORY PROVISIONS OF THE STATE OF MISSISSIPPI—Filed November 19, 1962.

If the motion of the defendant, J. W. Smith, for severance and change of venue as to him is denied, then he moves in the alternative, that the court grant a separate trial of any and all allegations set forth in the complaint; of discriminatory administration or application of the constitutional and statutory provisions of the State of Mississippi by this defendant, if any there be, and for grounds therefor says:

(1) This defendant has been joined as a party defendant with five other county registrars, whose acts in the administration of the constitutional and statutory provisions of the State of Mississippi respecting voting have no connection, directly or indirectly, with any acts of this defendant as registrar of Coahoma County, and evidence of any alleged illegal or discriminatory application of the constitution and statutes of Mississippi respecting voting by any [fol. 116] one or more of the other defendant registrars, would not be admissible against, and would be highly prejudicial to, this defendant.

(2) Unless the separate trial of such issues, if any, requested by this motion is granted the trial of any issues that may be alleged in the complaint against this defendant will be unduly delayed and impeded, and the orderly pro-

ceedings of this court will be interrupted and interfered with.

/s/ Semmes Luckett. /s/ Chester H. Curtis. /s/ Leon L. Porter, Jr., Attorneys for defendant, J. W. Smith, Clarksdale, Mississippi.

[fol. 117] Respectfully Submitted this the 19th day of November, 1962.

Joe Drake, Attorney at Law, Port Gibson, Mississippi. Semmes Luckett, Attorney at Law, Clarksdale, Mississippi. Leon Porter, Attorney at Law, Clarksdale, Mississippi. Chester Curtis, Attorney at Law, Clarksdale, Mississippi. Aubrey Bell, Attorney at Law, Greenwood, Mississippi. Hardy Lott, Attorney at Law, Greenwood, Mississippi. J. O. Sams, Jr., Attorney at Law, Columbus, Mississippi. William G. Burgin, Jr., Attorney at Law, Columbus, Mississippi. W. H. Jolly, Attorney at Law, Columbus, Mississippi. Joe T. Patterson, Attorney General for the State of Mississippi, Will S. Wells, Dugas Shands, Guy N. Rogers, and William A. Allain, Assistant Attorneys General for the State of Mississippi. Peter M. Stockett, Jr., and Darryl A. Hurt, Special Assistant Attorneys General for the State of Mississippi. By /s/ Will S. Wells, Assistant Attorney General for the State of Mississippi, One of the Attorneys of Record for Defendants.

[fol. 118] Certificate of service omitted in printing.

[fol. 119]

[File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

[Title omitted]

Civil Action No. 3312

MOTIONS OF ALL DEFENDANTS—Filed November 19, 1962

Without waiving or intending to waive any right, privilege or immunity which they or either of them have or may have under the Federal Rules of Civil Procedure or the Constitution and laws of the United States and the State of Mississippi and preserving and reserving all of the same and in accord with the applicable provisions of the Federal Rules of Civil Procedure and the prior orders of this Court the Defendants move the Court as follows:

[fol. 120]

No. 2

MOTION OF DEFENDANTS TO DISMISS BECAUSE THE COMPLAINT FAILS TO STATE A CLAIM AGAINST THEM UPON WHICH RELIEF MAY BE GRANTED BECAUSE OF CONCLUSIONARY ALLEGATIONS.

The defendants move the Court to dismiss the complaint or action herein filed against them because the complaint fails to state a claim against them upon which relief may be granted, the allegations of the complaint as against them, being laid or couched as statements of conclusion and not of fact.

[fol. 121]

No. 3

MOTION OF DEFENDANTS TO DISMISS THE THIRD CLAIM OF THE COMPLAINT FOR FAILURE TO STATE A CLAIM

The defendants move the court to dismiss the Third Claim alleged in the complaint for the reason that the same does not state a claim or cause of action upon which relief may be granted against said defendants.

MOTION OF DEFENDANTS TO STAY—DOCTRINE OF ABSTENTION

The defendants move the Court to stay or abstain from further proceedings in this cause upon the grounds that, as more fully shown by the complaint, this action seeks to construe constitutional and statutory provisions, local laws of the State of Mississippi, and restrain the enforcement thereof of action thereunder. Plaintiff intimates, or may be held to intimate, by conclusionary, vague and indefinite allegations that said constitutional provisions and statutes violate rights which it has under the various acts of Congress and the Federal Constitution, including amendments thereto.

Section 244 of the Constitution of the State of Mississippi of 1890 and the statutes implementing same were held by the Supreme Court of the State of Mississippi and of the United States to be valid and constitutional in the case of *Williams vs. Mississippi*, 73 Miss. 820, 42 L.Ed. 1012. Said Section 244 of the Constitution of the State of Mississippi of 1890 was amended and inserted in the Constitution of the State of Mississippi during the year 1955, and which amendment now constitutes Section 244 of the Constitution of the State of Mississippi, and the statutes implementing same were held to be valid and constitutional by a three-judge Federal District Court of the Southern District of Mississippi in the case of *Darby vs. Daniel*, 168 F. Supp. 170. [fol. 123] The present Section 244 and Section 241a of the Mississippi Constitution and the statutes implementing said sections and referred to in the complaint have not been passed upon, construed or interpreted by the Supreme Court of Mississippi nor any other court of Mississippi, and said Mississippi Courts have therefore not made or given any authoritative interpretation thereof.

Appropriate, adequate and effective remedies exist in the State of Mississippi under the Constitution and laws thereof, if plaintiff has or can state a proper claim against these defendants, together with the right to sue, whereby plaintiff can secure authoritative interpretation of the said present Section 244 of the Constitution of Mississippi and Section 241a thereof and their implementing statutes;

plaintiff would have equal rights to proceed in the Courts of the State of Mississippi as it has in this Court.

[fol. 124]

No. 5

MOTION OF DEFENDANTS TO DISMISS AS STATE OF MISSISSIPPI BECAUSE OF LACK OF JURISDICTION OF THE SUBJECT MATTER AS AGAINST THE STATE.

The defendants move the Court to dismiss this action or the complaint as to the State of Mississippi because, as apparent from the face of the complaint, this Court does not have jurisdiction of the subject matter of the complaint or claims therein made against the State of Mississippi, in that neither the Constitution of the United States, inclusive of any amendment thereto, nor any valid law or statute of the United States, gives to Congress the right or authority to enact those portions or that portion of Title 42, U.S.C.A., Section 1971, upon which plaintiff purports to base or predicate its claim or claims in this cause against the State and said portions of said Section 1971 are void, invalid, unconstitutional or ineffectual as against the State because within the purview of this cause:

1. Congress has no right or authority to statutorially provide that the act of any defendant registrar which purports to constitute a deprivation of any right or privilege purporting to be secured by Subsection (a) of said Section 1971 shall be determined the act of the State of Mississippi, because the State has the exclusive power and authority to select, choose and determine who shall be its [fol. 125] agents and to what extent, if any, it shall be bound by their acts; any act of any defendant registrar which may constitute a deprivation of any right or privilege secured by said subsection is, under the law of the State of Mississippi, illegal and unauthorized and constitutes a tort, and the State of Mississippi is not and cannot be made or held liable therefor in this or any other Court.
2. Congress does not have the right or authority to create a cause of action against the State under the circumstances involved in this cause.
3. Congress has no power or authority to statutorially

or otherwise create or make an agent of or for the State of Mississippi, nor determine the extent of the authority of such an agent.

4. No law or statute of the State of Mississippi permits, authorizes or creates a cause of action against it or makes it liable for any officer or agent of the State of Mississippi which is illegal, or unauthorized.

5. No defendant registrar is an officer or agent of the State of Mississippi nor can he, or they, be held to be such under the circumstances involved in this cause.

6. The State of Mississippi has not authorized or ratified and could not ratify any act of any defendant registrar which may constitute a deprivation of any right or privilege referred to in said subsection of said Section 1971, Title 42, U.S.C.A.

7. Under the law and statutes of the State of Mississippi [fol. 126] dealing with the liability of a principal for acts of his or its agents, the State of Mississippi would not be liable, suable or responsible for the act of any defendant registrar which may constitute a deprivation of the rights and privileges secured by said subsection, even if the State of Mississippi were not a State with all of its rights, privileges and immunities.

8. The State of Mississippi is not a "person" as said word is used in said Section 1971.

9. Plaintiff is not a "person" within the meaning and provisions of the Fourteenth and Fifteenth Amendments to the Constitution of the United States.

[fol. 127]

No. 6

MOTION OF DEFENDANTS TO STAY ALL PROCEEDINGS UPON CERTAIN PURPORTED CLAIMS OF PLAINTIFF UNTIL THE CONSTITUTIONAL QUESTIONS INTIMATED BY PLAINTIFF HAVE BEEN DETERMINED.

The defendants move the Court to stay any and all proceedings upon any allegations of discriminatory administration or application of the constitutional and statutory provisions of the State of Mississippi referred to in the complaint, if any there be, until after the Court shall have

acted or passed upon or determined the constitutionality of the sections of the Mississippi Constitution and statutes referred to in the complaint if the Court should determine that it has jurisdiction of the person of the State and of the subject matter of the claims made against it and whether the complaint states a cause of action against the State upon which any relief may be granted.

The complaint, though drawn in vague, loose, general, abstruse and indefinite terms, may seek to allege illegal or discriminatory application of the constitutional and statutory provisions of the State of Mississippi referred to in the complaint. These defendants will, as apparent from the face of the complaint, be severely and irreparably prejudiced unless the Court stays the proceedings as above requested.

Justice and fairness suggests and demands that the Court take the action under the circumstances mentioned, supra, as requested by this motion.

[fol. 128]

No. 7

MOTION OF DEFENDANTS TO DISMISS THIS COMPLAINT OR ACTION AS TO ALL CHALLENGES, IF ANY THERE BE, AS TO THE CONSTITUTIONALITY OF ALL CONSTITUTIONAL AND STATUTORY PROVISIONS MENTIONED IN THE COMPLAINT.

The defendants move the Court to dismiss this action or the complaint herein filed against them as to any and all claims against or attacks upon the constitutionality of any constitutional or statutory provisions of the State of Mississippi, if any there be in the complaint, because, as apparent from the face of the complaint plaintiff has no power or authority to make any challenges to the constitutionality of said provisions; that portion of Section 1971, Title 42, U.S.C.A. upon which plaintiff purports to base its alleged challenges to the constitutionality of said provisions restricts, assuming plaintiff has the right to proceed in this court against the defendants under said federal statute, but which the defendants deny, plaintiff solely and alone to an action complaining of illegal or discriminatory action or acts, and does not give or purport to give plaintiff any

right or authority to challenge the constitutionality of any provisions of the Constitution of the State of Mississippi, or any statute thereof.

[fol. 129] Respectfully Submitted this the 19th day of November, 1962.

T. F. Badon, Attorney at Law, Liberty, Mississippi. Joe D. Gordon, Attorney at Law, Liberty, Mississippi. Joe Drake, Attorney at Law, Port Gibson, Mississippi. Semmes Luckett, Attorney at Law, Clarksdale, Mississippi. Leon Porter, Attorney at Law, Clarksdale, Mississippi. Chester Curtis, Attorney at Law, Clarksdale, Mississippi. Aubrey Bell, Attorney at Law, Greenwood, Mississippi. Hardy Lott, Attorney at Law, Greenwood, Mississippi. J. O. Sams, Jr., Attorney at Law, Columbus, Mississippi. William Burgin, Attorney at Law, Columbus, Mississippi. W. H. Jolly, Attorney at Law, Columbus, Mississippi. B. D. Statham, Attorney at Law, Magnolia, Mississippi. Joe T. Patterson, Attorney General for the State of Mississippi. Will S. Wells, Dugas Shands, Guy N. Rogers, and William A. Allain, Assistant Attorneys General for the State of Mississippi. Peter M. Stockett, Jr., and Darryl A. Hurt, Special Assistant Attorneys General for the State of Mississippi. By: /s/ Will S. Wells, Assistant Attorney General for the State of Mississippi, One of the Attorneys of Record for Defendants.

[fol. 130] Certificate of service omitted in printing.

[fol. 131] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

[Title omitted]

Civil Action No. 3312

MOTION OF DEFENDANT, W. R. HOLMES FOR SEVERANCE—
Filed November 20, 1962.

The defendant, W. R. Holmes, moves the court for a severance as to him in this cause, and for grounds therefor says:

(1) The State of Mississippi is not a proper party in this cause, and this defendant, W. R. Holmes, is not an officer or agent of the State of Mississippi, nor has the State of Mississippi authorized, ratified or adopted any act of this defendant as Registrar of Pike County, Mississippi, and therefore, there is a misjoinder of parties defendant in this cause which is prejudicial to the right of this defendant to have any cause of action asserted against him tried with the other defendants as presently aligned.

(2) This defendant will, as is apparent from the face of the complaint, be severely and irrevocably prejudiced, personally inconvenienced, the conduct of his official duties as Registrar of Pike County, Mississippi will be unduly hampered, impeded and interfered with, and witnesses in his behalf will be seriously and oppressively inconvenienced unless the severance requested hereby is granted.

(3) This defendant has been joined as a party defendant with five other county registrars, whose acts in the administration of the constitutional and statutory provisions of the State of Mississippi respecting voting have no connection, directly or indirectly, with any acts of this defendant as Registrar of Pike County; and evidence of any alleged illegal or discriminatory application of the constitution and statutes of Mississippi respecting voting by anyone or more of the other defendant registrars, would not be admissible against, and would be highly prejudicial to, this defendant.

(4) Unless the severance requested by this motion is granted the trial of any issues that may be alleged in the complaint against this defendant will be unduly delayed and impeded, and the orderly proceedings of this court will be interrupted and interfered with.

(5) The three Judge Court does not have any jurisdiction to hear the determine alleged violations of Section 1971 by this defendant, jurisdiction of the trial of such proceeding against this defendant being vested in the United States District Court, for the Southern District of Mississippi.

Respectfully submitted on this, the 16th day of November, A.D., 1962.

/s/ B. D. Statham, One of The Attorneys for W. R. Holmes, One of The Defendants.

[fols. 133-181] Certificate of Service omitted in printing.

[fol. 182] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

[Title omitted]

Civil Action No. 3312

ORDER CARRYING CERTAIN MOTIONS WITH CASE—March 12,
1963

This cause having come on for hearing in open court on March 8, 1963, all parties being represented by counsel, and the Court having considered the motions, arguments and briefs of the parties, enters the following order:

1. Ordered that the motions by the defendants to strike or for a more definite statement of the complaint be and the same are hereby denied.

2. Ordered that the motions of the defendants to dismiss

the complaint for lack of jurisdiction of the subject matter, the motions to quash the three-judge court as to certain specified matters and the motion to strike the third claim of the complaint be and the same are hereby carried with the case on the merits.

3. Ordered that the motions for separate trials of claims and the motions for severance are deferred until after discovery is complete and without prejudice to the defendants to further press these motions after completion of the discovery process.

4. The motion to stay—doctrine of abstention is deferred for decision at a later date.

The rulings in this order carrying certain motions with the case or deferring action until discovery processes are complete shall not affect the parties going forward with discovery and the filing of the answers or other responsive pleadings.

Ordered this 12th day of March, 1963.

Harold Cox, United States District Judge.

[fol. 183]

[File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

[Title omitted]

Civil Action No. 3312

ORDER ENLARGING TIME TO ANSWER—March 12, 1963

The Defendants, and each of them, having requested additional time within which to file their respective answers to the Complaint in this cause and it having been made known to the Court that the Plaintiff intends to file an amendment to its Complaint, it is ordered that the Defendants, and each of them, be and they are hereby granted thirty days from the date of service on them, respectively, of the proposed amendment to the Complaint within which

to file their respective answers or responsive pleadings [fols. 184-188] to the Complaint and Amendment thereto in this cause.

Ordered this the 12th day of March, 1963.

Harold Cox, United States District Judge.

[fol. 189] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

[Title omitted]

Civil Action No. 3312

AMENDMENT TO COMPLAINT—Filed March 12, 1963.

Pursuant to Rule 15, F.R.C.P., plaintiff makes the following amendments to its Complaint filed on August 28, 1962. No responsive pleading by any defendant has been filed.

1. Paragraph 41 on page 11 of the Complaint is amended to read as follows: (The italicized portion constitutes the amendment.) The defendant registrars of voters, *the defendant State of Mississippi and its agents and officials*, vested with the discretion described in paragraph 38, have used, are using, and will continue to use the interpretation test and the duties and obligations test to deprive otherwise qualified Negro citizens of the right to register to vote without distinction of race or color, *and such deprivations, occurring by the adoption, use and threat of use of said tests, have been and are pursuant to a pattern and practice of racial discrimination.* The existence of the interpretation test and the duties and obligations test as voter qualifications in Mississippi, their enforcement and the threat of their enforcement have deterred, are deterring and will continue to deter, otherwise qualified Negroes in Mississippi from applying for registration to vote.

2. Paragraph 52 on page 18 of the Complaint is amended to read as follows: (The italicized portion constitutes the

amendment.) The existence of the character qualification in Mississippi, its enforcement, and the threat of its enforcement, in the absence of any objective criteria which [fol. 190] apply to all voters, have deterred, are deterring, and will continue to deter qualified Negro citizens in Mississippi from applying to register to vote. The threatened use and the use by the defendant registrars of voters, *the defendant State of Mississippi and its agents and officials*, of the character requirement, deprive and will deprive otherwise qualified Negro citizens of the right to register to vote without distinction of race or color, *and such deprivations, occurring by the adoption, use and threat of use, of the character requirement, have been and are pursuant to a pattern and practice of racial discrimination.*

3. Paragraph 59 on page 21 of the Complaint dealing with the Mississippi records destruction statute is amended by adding the following sentence at the end of said paragraph: The records destruction statute referred to in this paragraph is an integral part of the pattern and practice of racial discrimination of the defendants as alleged in this Complaint.

4. Paragraph 69 on page 31 of the Complaint is amended to read as follows: (The italicized portion constitutes the amendment.) Mississippi registrars of voters are required to apply these new and onerous requirements. The defendant registrars, *and the defendant State of Mississippi and its agents and officials*, have applied such requirements. The existence *and use* of these onerous requirements, the enforcement and the threat of their enforcement, have deterred, are deterring, and will continue to deter otherwise qualified Negroes in Mississippi from applying to register to vote, *and deprive and will deprive such Negroes of the right to register to vote without distinction of race or color, such deprivations, occurring by the adoption, use and threat of use, or these new and onerous requirements, have been and are pursuant to a pattern and practice of racial discrimination.*

5. Paragraph 5 of the prayer for relief on page 32 of the Complaint is amended to read as follows: Make a finding that the defendant county registrars, *the defendant State of Mississippi, its agents and officials*, have deprived

[fol. 191] Negro citizens of the right secured by 42 U.S.C. 1971(a); and that such deprivations have been and are pursuant to a pattern and practice of racial discrimination.

/s/ Burke Marshall, Assistant Attorney General.

/s/ John Doar, Attorney, Department of Justice.

/s/ D. Robert Owen, Attorney, Department of Justice.

[fol. 192] Certificate of Service omitted in printing.

[fol. 193] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

[Title omitted]

Civil Action Number 3312

RULINGS OF THREE JUDGE COURT ON VARIOUS MOTIONS—
Filed March 12, 1963.

By Judge Brown:

Now this part I believe we had better have the reporter write up. In the first place I think the reporter ought to get paid for all of his work today. I hope somebody thinks enough of what was said to warrant his having some production for pay, but this part we do want written up so the members of the Court can have it and as many of the counsel as desire it and I will leave those arrangements between you and the reporter. We are going to announce some rulings and we are reading here from the listing prepared at the Court's request by Mr. Wells and the effort here is merely to indicate in general terms our rulings so that orders may be prepared in the ordinary course and to the extent that there is any difference about terminology the Court would certainly want counsel to indicate specifically the phraseology that they offer in lieu of their adversary.

Number 1 Motion to Strike and Motion for More Definite Statement. These motions will be denied.

Number 2 Motion to Stay—Doctrine of Abstention. The Court announces no decision at this time on the merits and will have a decision very shortly, but the Court does state that deferring action on this shall not interfere or interrupt the filing of the answers, the filing of pleadings or the discovery actions. Discovery is to go forward from this moment on.

[fol. 194] Number 3 Motion to Dismiss the Complaint for Lack of Jurisdiction of the Subject Matter. This will be taken with the case and by way of explanation I think it is

fair to state here that the argument convinced the Court that this really goes so much to the ultimate merits that the Court can only rule on it when it finally hears the case.

Number 4 Motion to Quash Three-Judge Court as to Certain Specified Matters. This is to be taken with the case and again by way of explanation this involved primarily the effect of the Williams decision by the Supreme Court and the Darby Fulton decision by this Court at an earlier date and it appears to the Court again that the extent to which those decisions are either binding to foreclose or as a matter of comity or persuasiveness is again a matter which will be determined on the merits of the case.

Five is in two parts. The second part reads the Motion to Strike the Third Claim of the Complaint. This will be taken with the case. Now the other part of five reads Motion for Severance on Behalf of Individual Clerks and then number 6 is Motion for Separate Trial of Claims. Number 5 the action on that is deferred for the moment, but the Court states that it will require before the trial begins and probably as part of pre-trial conference which will have to be held that suitable arrangements and provisions be made to make certain that none of the registrars is kept in attendance unnecessarily and that due regard will be kept for the performance of their official duties. It is too early for the Court to tell or determine to what extent it is either proper or desirable that they remain in the case fully so we simply defer action on that.

By Judge Cox:

Let's make it clear we are deferring action on that part of the motion until after the completion of the discovery process after which time the motion may be pressed again and we will be in a better position at that time we think to rule on the motion we think in fairness to all sides.

[fol. 195] By Judge Brown:

Number 6 Motion for Separate Trial of Claims. We defer action on that until the completion of the discovery process so that the Court can rule on the matter more intelligently, the defendants being entitled to renew that or such parts of it as they think advisable or such modifi-

cations of that same sort of relief and I say by way of explanation that none of us want a longer trial than is needed. We have other work to do and you do too and I think a lot of this is going to kind of wash out anyway because lawyers have a way of working these things down.

Then that leaves the Government's motion for production under Rule 34 and it will be granted. Now I suppose it is an idle thing for a judge to ever preach but the Court is also in full agreement that the discovery rules should be very liberally applied as to both sides and that is going to be the spirit in which all of the discovery motions, interrogatories, motions for production, requests for admissions will be treated. Of course we will try faithfully to comply with the law and the rules but this thing is awfully big as it now appears but I think a conscientious effort on the part of the lawyers in the discovery process we feel it will come down to the point where with a very serious pre-trial conference schedule after the discovery process is completed we can really have a blueprint for the trial that is efficient for the lawyers, the judges, the witnesses and the litigants and preserve to everybody their full rights. Now it is my, I will just speak personally here I think it is the spirit of the rules that they are largely self-executed and again without asking anyone to sacrifice a single right or position here we do ask counsel to bear in mind constituted as a three-judge court it is awkward for us to handle these interim matters and to the maximum extent possible we just urge the counsel to go forward with discovery with a minimum of report to the Court for formal rulings and motions. I think there are so many ways to preserve [fol. 196] your position, particularly on depositions so that your rights are fully preserved by presentation orally on the trial or in the pre-trial conference. Now I had spoken to Mr. Wells I think to suggest that we might want to explore possible trial dates. We are now of the view that that is premature, that the discovery should go forward with vigor if I may use that word and when this nears its end the Court will call for a conference of counsel and find out the disposition as to the trial.

By Mr. Burgin:

Referring to the pre-trial conference do we have to make a motion for that?

By Judge Brown:

I will say the Court will do that on its own.

By Judge Cox:

I will say when counsel let it be known to the Court you have completed your discovery process.

By Mr. Luckett:

I am one of the attorneys for one of the defendants and you said that the discovery proceeding should go forward. I think the Government's position is they will not be able to furnish us the discovery we ask for until they inspect and analyze the records they ask for now. They have got our records but I would think it would all go along at the same time but I don't believe that the Government is in a position at this time for respond to our interrogatories.

By Mr. Doar:

That is true to the extent that we could give more accurate responses and full responses in Coahoma than we could in Lowndes County, but if you would serve the interrogatories on us we would start to get the answers out forthwith and in those counties where records gives supplemental information and we would furnish the additional information when we got it.

[fol. 197] By Judge Brown:

I think your point is well taken and I think that this is a question in which all parties in the best of faith will simply have to furnish the information as soon as they can. When I suggest that the discovery should go forward it didn't mean everybody had to move all at one time.

By Mr. Doar:

We would appreciate getting the interrogatories as soon as possible from those who make them.

By Mr. Shands:

Your Honors, I am concerned about the motion that was made on behalf of the State of Mississippi to dismiss as to it on the basis that the last sentence of 1971c is invalid and unconstitutional and therefore the State of Mississippi is improperly joined. I understand that the Court has indicated it will carry that to the case. Would you permit or desire additional briefs from the defendants and plaintiff if they care for it. Now tied to that is a motion Mr. Burgin said he could not present fully to the Court. We would like to at this time bring up this proposition to the Court. What length of time would the Court permit these briefs to be filed in? Secondly we would like very much and we think it is necessary to the fair presentation of this case that that motion of the State be acted on before you reach the merits of this lawsuit and we would like an opportunity when the briefs are in to appear before the three-judge court and wherever you may want us because we want to argue that motion and with all deference to the Court we are quite serious about that motion.

By Judge Brown:

I have no doubt about that but I must say, Mr. Shands, that I would be led to believe and I do not mean this in a critical sense at all that it was suggested by Mr. Wells that this motion be carried along with the case and that is why we did not hear argument on it today and you may have thirty days and I will speak my own personal view [fol. 198] on it. No ruling will be made eliminating the State of Mississippi until the discovery process is completed. I think it again probably goes to that extent but if you want to file briefs it is all right.

By Mr. Wells:

It is the question I announced this morning I had talked with you about because of my situation with my wife and we had not been able to brief it as adequately as we wanted to and I frankly didn't feel capable of making an argument because of that.

By Judge Cox:

What motion was that?

By Mr. Wells:

Dismissing the State primarily that part of the 1971 which makes the registrar an agent of the State is unconstitutional in one sovereignty is creating an agent for another sovereignty.

By Mr. Shands:

We would then at the end of the discovery process then may we point toward a presentation of that?

By Judge Brown:

We will take it on brief. I am not at all sure we will allow you oral argument on it. That depends on the situation of us as individuals and our ability to find time we can hear it but there is always a likelihood that it could be presented at the pre-trial conference which would be attended by all members of the Court.

By Mr. Shands:

Might we be permitted by the generosity of the Court to renew it?

By Judge Brown:

Oh yes and we will consider it very favorably.

By Mr. Shands:

I know the Court like us wishes to reach the right result.

By Judge Brown:

One reason I would say we are to follow this suggestion originally made that we take it along that it has such an immediate effect upon the registrars because of lack of [fol. 199] venue, jurisdiction, geographical jurisdiction and we ought to get this part of it done.

By Mr. Shands:

That is what forces it to the front of my mind, Your Honor, the very problem that is concerning the Court because I know that this Court would not want to require these men all six in this case if they should not properly be there and if the motion of the State as both the Court and I recognize it is very important on that feature I am sure the Court would want to dispose of that if possible before we get into the merits.

By Judge Brown:

On the merits of that thing without trying to prejudge it since it goes to registrars as such we are a long long ways from that and we have so many acute problems that we need not reach out onto academic problems.

By Mr. Statham:

My clerk is in the hospital with a heart attack and obviously in so far as he is concerned I am not going to be able to file an answer and I doubt if some of these other gentlemen can file it within ten days and I wondered if at this time orally the Court would grant us an extension.

By Judge Brown:

I would leave that to Judge Cox as long as it is clearly understood that the filing of the answers doesn't toll the discovery.

By Judge Cox:

How much time did you want?

By Mr. Statham:

In so far as my county, I think I am probably speaking for more, we would need thirty days.

By Judge Cox:

Send me an order. That is not going to effect discovery but everybody wants thirty days.

[fol. 200] By Judge Brown:

You see any objection to that, Mr. Doar?

By Mr. Doar:

Everybody has got sick clients like Mr. Statham. There is one amendment we wish to make to the complaint with respect to this problem of a pattern or practice and set it forth and we intend to file within the next day or two this amendment, it will be a page or so long and we have no objection.

By Mr. Statham:

Of course we do not know what he is going to file.

By Judge Cox:

Let one counsel send me one order for all defendants and I will sign it for thirty days, thirty days after receipt by counsel of the amendment of the complaint.

By Judge Brown:

This will be sort of an amended one page amendment or two page amendment. Any pleas that go to those two pages can be filed but do not use it as a vehicle in which to renew all of the motions which we have disposed of heretofore.

By Mr. Doar:

Your Honor, what the amendment is is to make clear the issue that troubled the Court at the end of the hearing in which the Court said it desired additional briefs

on the pattern or practice to this particular question and we want to just set forth the position of the pleadings and then to submit briefs on it whatever time the Court desires. That is the purpose.

By Judge Brown:

I take that as it follows that the Court is going to be disposed to allow the amendment so you can count on having to answer it and whatever effect it might have on the merits of the case may be determined later.

[fol. 201] By Mr. Doar:

We didn't prepare an order. It isn't really necessary to have an order unless you want it.

By Judge Cox:

No sir.

By Mr. Wells:

Do you want us to or who do you want to draw orders?

By Judge Brown:

I am going to leave that to you and Mr. Doar to work out and I would say submit them as you normally do to Judge Cox and his Clerk and they will distribute them to the other members of the Court.

By Judge Cox:

I am, we are not going to follow the new rule of the Supreme Court. I am going to sign judgments in this district.

By Mr. Wells:

Now Judge, with reference to our discovery as I understand that would not wait on the filing of the answer.

By Judge Brown:

No sir.

By Mr. Wells:

But we are in other words we are to go forward with that with reasonable dispatch.

By Judge Cox:

Just as if you had already answered.

By Judge Brown:

This case has been on file since September or August. The difficulties of course are tremendous with three judges all of whom are as busy as we are forced to be now and scattered as much as we are now and with lawyers who are also faced with very pressing problems on many fronts. I would anticipate it is going to be a rather prodigious effort, it is going to take some time but it ought to go along with real dispatch and the Court is disposed to give it that dispatch and to that end I think we leave to the lawyers to work out some suitable arrangement by which [fol. 202] there are effective spokesmen for both sides. We pretty well identify Mr. Doar and I understand from Mr. Wells you will probably take the lead but that is the first order of business before the lawyers so the matter can go forward.

By Mr. Shands:

I have one question, Your Honor. Suppose in the course of discovery suppose we shall have answered before the discovery proceedings are completed. Suppose in the course of discovery we find matters that would cause us to desire to amend our answers. Will there be difficulty in getting leave of the Court to make those amendments or can that be made somewhat informally and Judge Cox handle them?

By Judge Cox:

I will handle them.

By Judge Brown:

I think we will leave Judge Cox to handle them. Again my own view and I believe I speak Judge Wisdom's on this and I am sure it is Judge Cox's I think great liberty ought to be allowed in amendments. I think the pleadings are going to amount to very little significance but I do think the evidence that is developed in the discovery process of course will be. Does anybody else have any matters that they want to bring up?

By Mr. Doar:

I wanted to know with respect to the discovery of the individual counties the records would the attorneys for the defense like me to contact the individual counsel or through Mr. Wells?

By Mr. Wells:

I would rather if you will I would much prefer that you contact the individual attorneys, Mr. Doar, because that part of it is very much something that they are on top of and not me.

By Judge Brown:

I think it is permissible for the Court to request that the counsel for the defendants I am not asking you to do it now because you may want to talk about it but either [fol. 203] with or without restrictions I think one or two people ought to be designated to whom Mr. Doar can communicate with a view of having some kind of response.

By Judge Cox:

They might not want to reduce it to one or two though because these registrars might want their counsel to speak.

By Mr. Burgin:

We have three attorneys.

By Judge Brown:

I don't think an opponent ought to have to discuss it with all three of them. I think we are perfectly willing to leave it to the lawyers as long as we don't have a merry go round.

(This concluded the hearing of this cause.)

[fols. 204-205] [File endorsement omitted].

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

Civil Action No. 3312

[Title omitted]

ORDER FURTHER ENLARGING TIME TO ANSWER—April 1, 1963

The Defendants, and each of them, having requested a further enlargement of time within which to file their respective answers to the Complaint in this cause and the Court having considered the same, being fully advised in the premises and being of the opinion that additional time should be allowed, it is ordered that the Defendants, and each of them, be and they are hereby granted thirty (30) days additional time, that is to say, until and including May 13, 1963 within which to file their respective answers to the Complaint and amendment thereto in this cause.

Ordered this the 1st day of April, 1963.

Harold Cox, United States District Judge.

[fol. 206]

[File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

Civil Action Number 3312

UNITED STATES OF AMERICA, Plaintiff,

v.

STATE OF MISSISSIPPI; ROSS R. BARNETT, JOE T. PATTERSON,
HEBER A. LADNER, as members of the MISSISSIPPI STATE
BOARD OF ELECTION COMMISSIONERS; H. K. WHITTINGTON,
Circuit Clerk and Registrar of Amite County; MRS.
PAULINE EASLEY, Circuit Clerk and Registrar of Clai-
borne County; J. W. SMITH, Circuit Clerk and Registrar
of Coahoma County; MRS. MARTHA TURNER LAMB, Cir-
cuit Clerk and Registrar of LeFlore County; T. E. WIG-
GINS, Circuit Clerk and Registrar of Lowndes County;
WENDELL R. HOLMES, Circuit Clerk and Registrar of Pike
County, Defendants.

**Transcript of Hearing on Defendants' Motion to Strike and
Motion for More Definite Statement; Motion to Stay—
Doctrine of Abstention; Motion to Dismiss the Complaint
for Lack of Jurisdiction of the Subject Matter; Motion to
Quash Three-Judge Court as to Certain Specified Matters;
Motion for Severance on Behalf of Individual Clerks and
Motion to Strike Third Claim of Complaint; and Motion
for Separate Trial of Claims—March 8, 1963.**

APPEARANCES:

Honorable John Doar and Honorable D. Robert Owen,
of Department of Justice, Washington, D.C.; Honorable
[fol. 207] Robert E. Hauberg, United States Attorney,
Jackson, Mississippi;
All Appearing for the Plaintiff.

Messrs. Joe T. Patterson, Guy N. Rogers, Will S. Wells,
Dugas Shands, Peter M. Stockett, Jr., and William A.
Allain, Attorney General's Office, State of Mississippi,
Jackson, Mississippi;

Honorable Joe Drake, Port Gibson, Mississippi; Honorable Semmes Luckett, Clarksdale, Mississippi; Honorable Chester Curtis, Clarksdale, Mississippi; Honorable Aubrey Bell, Greenwood, Mississippi; Honorable Hardy Lott, Greenwood, Mississippi; Honorable J. O. Sams, Jr., Columbus, Mississippi; Honorable William Burgin, Columbus, Mississippi; Honorable W. H. Jolly, Columbus, Mississippi; Honorable B. D. Statham, Magnolia, Mississippi;

All appearing for the Defendants.

Be it Remembered that on, to-wit, Friday, March 8, 1963, the above styles and numbered cause came on for hearing before the Honorable John R. Brown, United States Circuit Judge, the Honorable John Minor Wisdom, United States Circuit Judge, and the Honorable William Harold Cox, United States District Judge, on the above motions, at Jackson, Mississippi, in the Jackson Division, when the following proceedings were had and entered of record:

[fol. 208] By Judge Brown:

Now Mr. Wells called me in Houston about a week ago to ask as to the manner of having the hearing. It was my view then that we would leave it pretty much to the lawyers to decide the categories to be argued and the order and I asked that he consult with Mr. Doar about this and I understand that you have done that and has furnished to the Court a list of six motions to be argued and I believe there is one for the government too that should follow that and you desire to proceed in that order?

By Mr. Wells:

Yes sir.

By Mr. Doar:

Its agreeable with the Government, Your Honor.

By Judge Brown:

There was some question in the Court's mind this morning whether we ought not to hear the motion on jurisdiction first but would you prefer your schedule that you propose here, Mr. Wells.

By Mr. Wells:

On the if the Court please after having communicated with the various members of the panel and Mr. Doar in view of the fact that an additional brief was filed by us this morning which Mr. Doar got last night and in further view of the fact that a recent opinion that has been rendered by [fol. 209] the Court which one of these judges was on touching the question I wanted to get this out of the way. It seems to be the consensus of all that the motions involving a dismissal of the State based on the constitutionality of a part of 1971 with particular emphasis on that part which creates an agency of the State the motions involving that phase would be carried with the case.

By Judge Brown:

That's agreeable with Mr. Doar is it not?

By Mr. Doar:

Yes, it is.

By Mr. Wells:

And any additional memorandums might be furnished the court before the trial of this case and the matter can be then if the court desired even be argued at the conclusion of the case.

By Judge Brown:

That's agreeable with the court and Mr. Doar can respond to that by written memorandum, if desired.

By Mr. Wells:

Now if the court please, the order that I had set out was over the matters that we desired oral argument on. We felt that the other matters had been briefed to the extent that we couldn't add more to them by oral motion and those as we set out were actually the ones that we had prepared to present arguments on this morning and we've adopted [fol. 210] this order with the hopes that we could go from motion to motion on that with the court's permission. We've given a good bit of time in working that out and—

By Judge Brown:

We will adhere to your listing then and Mr. Doar, you will respond as they present one then you will respond to it. That's the plan.

By Mr. Wells:

Think possibly we can be more orderly and be helpful with the court and try to simplify it. If the court please, if I may do this before we proceed, there are a great many attorneys here and I would like for them to be identified as to who they represent. Representing Mr. Whittington, Clerk of Amite County, is Mr. T. F. Badon of Liberty, Mississippi and Mr. Joe D. Gordon of Liberty, Mississippi. I believe that they are here and they represent Mr. Whittington, the Clerk of Amite County. Representing Mrs. Easley, one of the defendants and clerk of Claiborne County is Mr. Joe Drake of Port Gibson, Mississippi, who is here on behalf of that defendant. Representing Mr. Smith, the Clerk of Coahoma County are Mr. Semmes Luckett and Mr. Leon Porter and Mr. Chester Curtis all of the Clarksdale bar and all from Clarksdale.

By Mr. Luckett:

Porter is not here.

[fol. 211] **By Mr. Wells:**

I believe Mr. Porter could not be here today. Representing Mrs. Lamb of LeFlore County is Mr. Aubrey Bell and Mr. Hardy Lott of Greenwood and the Greenwood bar. And representing Mr. Wiggins, the Clerk of Lowndes County is Mr. J. O. Sams, Jr., Mr. William Burgin and Mr. W. H. Jolly, all of Columbus. And representing Mr. Holmes of Pike County is Mr. B. D. Statham of Magnolia, who is here in behalf of those defendants and then Mr. Patterson, Attorney General, Mr. Guy Rogers, Mr. W. A. Allain, Mr. Peter Stockett, Mr. Dugas Shands and myself, Will S. Wells, Attorney General's office representing all of the defendants.

By Judge Brown:

Well, we should be well advised.

By Mr. Wells:

If the court please, the first motion that we would like to call up for oral argument is the motion to strike and the motion for more definite statement combined because they are alternative motions and that will be presented on behalf of the defendants by Mr. Guy M. Rogers, Assistant Attorney General. I have discussed with Mr. Rogers about it and I think I mentioned to one of the judges the motion for more definite statement usually is the long one and we will not take it unless he actually needs it, but we would like, on that particular motion, about forty-five minutes, if we might have it.

[fol. 212] By Judge Brown:

Let's start with this. Let's try to get within a half an hour. I think——

By Mr. Wells:

That's the only one that we would think might go over that but I think the court realizes that's a little bit detailed.

By Judge Brown:

We will hear from Mr. Rogers on that.

By Mr. Rogers:

Thank you for the court, please. May I proceed?

By Judge Brown:

Yes. Now you can proceed on the assumption that we've read the briefs. We may not understand them and we've tried to read these motions, too, so you don't have to do a lot of reading and as much as you can I hope that you can avoid any repetition.

By Mr. Rogers:

If the court please——

By Mr. Cox:

Is this motion the one that's captioned motion to strike alternative motion for more definite—

By Mr. Rogers:

That's correct, your honor. If the court please, since we have had that remark from the bench, I will say that as far as the motion to strike is concerned we will waive extensive oral argument on that phase of the motion for this [fol. 213] reason. This motion is addressed, of course, to the entire complaint which specifically asks the Court to strike some forty-five or fifty paragraphs.

By Judge Brown:

What's left if you strike all of that?

By Mr. Rogers:

Well, if the Court please, in all honesty there wouldn't be much left. We feel like the motion to strike goes to the heart of this lawsuit and if I may say this, although that due to the length of time that it takes and I am saying this from the standpoint of trying to conserve time on this motion but I do not wish to in any way minimize by waiver of this oral argument the value and merit that we put to the motion. We do feel like that it was briefed, I started to say adequate but there is probably no such thing as a lawyer adequately briefing a point, but we feel like there would be very little that we could add to the memorandum brief as submitted to Your Honors and for that reason in order to shorten these proceedings we will waive extensive argument on the motion to strike. I would like, if I may, to make just a few general statements about the motion.

By Judge Brown:

Well that's fine and perhaps some illustrations of one or two particular paragraphs will illustrate what you are talking about in tangible terms.

[fol. 214] ORAL ARGUMENT ON DEFENDANTS' MOTION TO
STRIKE AND MOTION FOR MORE DEFINITE STATEMENT

By Mr. Rogers:

Yes sir. If the Court please, as the Court is well aware under the provisions of the rule and especially under provisions of Rule 8 of the Federal Rules of Civil Procedure a complaint should of course state a short and plain statement of the complaint and I think that if we examine the purpose and history of the rule of the Federal Civil Procedure that it would indicate that simplicity is what is desired. In fact, if I am not mistaken Judge Posaw or Mr. Barron made a statement that the rules were designed so a sixteen year old boy might plead. We feel that anytime a complaint contains vague or loose or ambiguous language or contains conclusionary statements of the pleadant or if the language of the allegations or the paragraphs are filled with redundant or immaterial, irrelevant or scandalous matter that under provisions of Rule 12f which is the provision for the motion to strike that the motion to strike is the appropriate remedy in order to reach this and to simplify and limit the pleadant. Now this complaint contains seventy paragraphs and we feel very strongly, if the Court please, about the length of this complaint. Of course we are not trying to tell the United States how to plead, but at the same time we will be called on to answer this complaint and when we answer this complaint with good pleading we should answer all material allegations. We certainly intend to, but at the same time we feel like that the complaint is [fol. 215] filled with impertinent and immaterial matter which have no bearing whatsoever on the lawsuit and, in addition, it is filled with instances of which or allegations of which this Court could take judicial notice. A question from this Court to me might well be—well, if the Court can take judicial notice of this how could you be harmed, how could you be hurt—for the answer to that would be is that we would be severely prejudiced even though the Court could take judicial notice of these things because we are required to answer. It's a burden that we should not have to shoulder when the allegations are immaterial and have nothing to do with the lawsuit.

By Judge Cox:

What section are you talking about now, Mr. Rogers?

By Mr. Rogers:

I will refer of course to paragraphs, if the Court please, whereas they set out certain statutes of the State of Mississippi, set them out in the complaint, not verbatim, but the substance of the statutes. Of course the Court could take judicial notice of the laws of the State of Mississippi and acts of its Legislature. Speaking of a package of legislation they keep referring to the House Bill from page I believe its paragraph, its obliterated on my copy here, let's see what the following paragraph is, probably 67.

By Judge Brown:

Page 24, 66 and so on. Page 24.

[fol. 216] By Mr. Rogers:

Yes sir, and they speak of the various sections of the Mississippi Code, they set them out where if they wanted to mention these sections which there is certainly nothing wrong with that the Court could take judicial notice of those statutes of the State of Mississippi. We also feel like——

By Judge Wisdom:

You wouldn't have any trouble answering those paragraphs would you?

By Mr. Rogers:

I don't say at all, Your Honor, that we would have any trouble.

By Judge Wisdom:

You could answer those if you feel that way you could answer it by saying that we answer that paragraph by saying that we are not required under the law to answer the paragraph.

By Mr. Rogers:

Of course, Your Honor, I could say that the Court would take judicial notice.

By Judge Wisdom:

That's right and the Court would take judicial notice.

By Mr. Rogers:

Yes sir.

By Judge Wisdom:

So it doesn't put you to much of a problem.

[fol. 217] By Mr. Rogers:

I agree with Your Honor.

By Judge Wisdom:

It becomes hard for a Mississippi lawyer to argue that a complaint is really too detailed and that's my observation on the Court of Appeals has been that you don't like the Bar here doesn't really like this Federal notice speaking very well but this time you do.

By Mr. Rogers:

If the Court please, some of us like it very much. I am not speaking for the Bar of the State of Mississippi and I am trying to be very general about this without getting into these paragraphs as such. They speak some of the paragraphs, of course the complaint is alleging discrimination. Some of the paragraphs make no allegations whatsoever on discrimination except in very general and vague terms. They speak of some of the paragraphs speak of white political supremacy which, of course, has nothing in the world to do with this lawsuit about maintaining white political supremacy. They speak of the actions, if the Court please, of the white citizens council of Mississippi. Of course, as the Court knows, the white citizens council of the State of Mississippi are not parties to this lawsuit and

what the white citizens council did or failed to do or tried to do of course has no bearing on this lawsuit.

[fol. 218] By Judge Wisdom:

Well, now we can't tell at this state, but it would seem to me to be arguable that under one of the claims attacking the statutes, the amendments which provide for the good moral character requirements and the right of private citizens to file a challenge to the good moral character of the voter registrar that it might be relevant to know what the atmosphere is in which these significant attacks by non-governmental persons will be. It seems to me this is something that no court could say yet would or would not be relevant. We have to wait and see.

By Mr. Rogers:

If the Court please, I cannot see how that it would be very relevant, if at all, since they are no way connected the organization they are not party defendants.

By Judge Wisdom:

Does the historical setting of the statute have bearing on the construction of it?

By Mr. Rogers:

I didn't understand.

By Judge Wisdom:

Does the historical setting in which an act is passed have a proper bearing on the construction of it or constitutionality of it?

[fol. 219] By Mr. Rogers:

Of course the Government contends that it does the legislative setting and I think they cite for that authority Davis v. Snell. Of course—

By Judge Wisdom:

I could cite you several others. I could cite you the Grossier case in which the Supreme Court in effect took notice of the historical setting in Louisiana when Governor Long attempted to penalize the newspapers by tax that was routine tax on its face.

By Mr. Rogers:

If the Court please, I am not familiar with that case but I certainly do not think that the legislative setting that that would be a controlling factor.

By Judge Wisdom:

Of course I am not suggesting that it is controlling and I think whatever proof they bring in would have to have a direct bearing on it but it seems to me it might be material and relevant to an understanding of the statute.

By Mr. Rogers:

What I am trying to do, if the Court please, is just to very generally bring some of these points that we were concerned about before the Court and for the Court's attention and as the Court has said they have read our briefs in support of this and that we would like particular [fol. 220] emphasis made on these points that they have raised in the complaint. We feel like they have no place, no proper place in this lawsuit. I could go on and name others about alleged that the registrars of the State of Mississippi are white people.

By Judge Wisdom:

I think that illustrates the point you are trying to make. I think the more serious thing is the motion to strike, I mean the motion for more definite statement. It seems to me that you are just as inconsistent as you can possibly be now because what you are asking for I will put it what's in my mind what you are asking for is the very kind of detail that you have just complained that they put in.

By Mr. Rogers:

If the Court please, we don't feel like that they have put in detail. They have a lot of language. They have a lot of loose unsupported allegations but when I get to the motion for a more definite statement I think that I can show then that what we are asking for is for detail.

By Judge Brown:

Suppose you proceed with that.

By Mr. Rogers:

All right sir. If the Court please, I could advance I think possibly maybe one with not quite as much merit as the other in support of the motion for more definite statement but I think that the main point to bring before this [fol. 221] court is that we feel like since these defendants have been accused and charged with discriminatory acts and practices that we have the right to have this specified to us. We say that in this case that the plaintiffs are charging the defendants with fraud and if it is fraud then of course the pleadings must conform to Rule 9b of the Federal Rules of Civil Procedure, and if I may say this, this Court has had this question presented to it and on several occasions and on two to my knowledge in similar actions brought under 1971 this Court has found that the dravanem of the suit is fraud and that since it is fraud that the complaint that the claim should be plead with particularity and not in general terms, not in vague terms, not in ambiguous terms, but it should be plead with particularity and it should be plead with specificity as required under 9b since its fraud. We of course are saying that what the plaintiffs here are charging is fraud, In fact we say that they are charging indirectly and the complaint is vague and ambiguous—

By Judge Brown:

How do you make fraud out of a charge that officials of the State of Mississippi and the registration of negro voters are discriminating against them by applying tests that they do not apply and apply them in manners they

do not apply them to white registrants or subject them to tests or requirements they do not subject white registrants [fol. 222] to. How do you make fraud out of that? Seems to me if its so its a flagrant violation of the law and it isn't fraud.

By Judge Cox:

I would regard that as a palpable fraud if a man is sworn to impartial discharge of his duty and should have one standard for whites and one standard for colored if that's not fraud I don't know the definition of it.

By Mr. Rogers:

I appreciate the Court answering it for me. I will bolster with some authority here about fraud and I will cite to this Court the case of the United States v. McElvee, that's a case decided by Judge Skelly Wright who has had vast experience in the field of civil rights and in some of the cases as this under 1971a and Judge Skelly Wright who that case which was decided in October 7, 1950, United States District Court, Eastern District of Louisiana, in 177 Fed Sup—

By Judge Wisdom:

Is that in your brief, is that referred to in your brief?

By Mr. Rogers:

No sir, it is not.

By Judge Wisdom:

What is the case?

By Mr. Rogers:

Its United States v. McElvee.

[fol. 223] By Judge Wisdom:

Oh yes, that's under the name of Thomas too I believe.

By Judge Brown:

It was affirmed by the Supreme Court under a different name wasn't it?

By Mr. Rogers:

Yes sir. I just wanted to say to quote from one paragraph from the opinion of Judge McElveen and that is Judge McElveen states in his opinion the United States in this action charges that this profession of high purpose was a fraud designed to deny negro citizens of a right to vote and that is what I cited that case for that portion of the opinion.

By Judge Brown:

You have the citation again, Judge Cox is putting a note down here.

By Mr. Rogers:

Its 177 Federal Supplement 355 United States of America v. Diaz D. McElvain.

By Judge Wisdom:

You have the U. S. citation too, I guess.

By Mr. Rogers:

I do not. I have the supplement here on it. I could furnish that to the Court.

[fol. 224] By Judge Wisdom:

Well, that's all right, its easy enough to get.

By Mr. Rogers:

Going on with the our theory which we think is accurate about these civil rights cases constituting fraud we say that the cases hold that they are fraud cases, not only the McElvain case which was a case from the District Court but the hallmark case of McGuire v. Todd from the Fifth United States Court of Appeals, which is cited in 198 Fed.

2d 60 which was brought under not under 1971, I will not say that, but it was brought under the civil rights statutes 1981, 1983 and I believe 1985.

By Judge Brown:

That might have been affected a little bit by Connelly and Gibbs and I personally think it has been but its a tenacious precedent.

By Mr. Rogers:

Yes sir, I would like to later if I may mention Connelly v. Gibson.

By Judge Wisdom:

Is there a reference to it in your brief?

By Judge Brown:

McGuire against Todd, I think he has.

By Mr. Rogers:

Yes sir, pardon me, Your Honor. Its on page 24.

[fol. 225] By Judge Cox:

What is that 198 Fed 2d you just gave?

By Mr. Rogers:

198 Fed 2d 60. May I continue, Your Honor?

By Judge Brown:

Yes sir.

By Mr. Rogers:

Of course in that complaint and the complaint itself is set out as I recall in the McGuire v. Todd case they use certain loose language and vague and ambiguous language where they charge malicious actions and conspiratorial actions and thing like that and said they were being deprived of—

By Judge Wisdom:

Is that a criminal case or civil case for conspiracy for damages for conspiracy?

By Mr. Rogers:

Yes sir, if I remember the facts involved where they made an entry some fire commissioners made an entry into a home maybe for fire inspection purposes or something like that and the lady barred the door and denied them entry or something like that and I think she was promptly hauled into——

By Judge Wisdom:

They were making complaint about the manner in which some state court litigation had been handled.

[fol. 226] By Mr. Rogers:

Yes sir. I think she was hauled into Court on some sort of complaint but the point I am trying to make is that this went on appeal to the Fifth Circuit on the sufficiency of the complaint to withstand the motion for failure to state a claim and of course we say if the complaint could not withstand that motion the motion to dismiss for failure to state a claim that it would certainly be susceptible to a motion for more definite statement and I would like to quote, if I may, just briefly from the opinion of Judge Hutcheson. It is sufficient for us in this case to say as other courts have done we disregard as mere conclusions the loose and general the facts, the unsupported characterizations of the complained of acts of the defendant as malicious, conspiratorial and done for the purpose of depriving plaintiff of their constitutional rights, that the things defendants are alleged to have done as distinguished from the conclusions of the pleaders with respect to them do not constitute a defamation of the civil rights of the plaintiff and do not give rise to the cause of action claimed and a judgment dismissing the complaint shall be affirmed.

By Judge Wisdom:

Does the distinction between the types of action make a difference here the fact that one was a claim for damages based on conspiracy and the other and this case would [fol. 227] that make a difference in the requirements of the pleader you think?

By Mr. Rogers:

I wouldn't think so at all, Your Honor, because what we are saying here in our motion for a more definite statement and I will refer to that, actually we did not challenge many *many* of the paragraphs, I think I have a number here as to the ones that we actually did ask to made more definite and out of this seventy paragraphs we ask for paragraphs 21, 35, 41, 52 and 69, five paragraphs out of seventy, but I do not to answer your question, if the Court please, I don't think it will make any difference because what we are trying to do and what we are trying to get this Honorable Court to order is for the Government simply to slim this thing down and get down to the meat in the coconut and give us this information and don't put us to the burden of and it would be quite a burden to answer these allegations without some real facts. In other words we don't feel like—

By Judge Wisdom:

Can you tell us specifically what you think they should allege?

By Mr. Rogers:

Yes, Your Honor. In paragraph 21, if the Court please, and as to subsection A the plaintiff alleges they use the word they said was maintained white political supremacy [fol. 228] was maintained and promoted by the following methods among others, they are throwing in the words among others, negroes were not allowed to register to vote. All right in our motion to make more definite this statement of this paragraph we said its broad and loose and general and we say how and where, they just say they were not allowed to register to vote.

By Judge Wisdom:

Of course that's one of those historical statutes or paragraphs because its limited to 1952 and there is no contention that the particular registrars involved here or even registrars generally since that time have followed those methods so far as that paragraph is concerned.

By Mr. Rogers:

Yes sir, I agree with you there, but trying to pick up the entire theory of their complaint I think that this certainly they probably feel like its a very integral part of the overall picture when they say speak of white political supremacy and that it was maintained and promoted.

By Judge Wisdom:

You know I was merely suggesting that it doesn't bear on the question of fraud in so far as these individuals are concerned.

By Judge Brown:

The defendants, registrar defendants.

[fol. 229] By Judge Wisdom:

The individual defendants wouldn't have to worry about that paragraph so far as fraud is concerned. Now that may not be true of these other paragraphs.

By Mr. Rogers:

That's what I was looking at paragraphs B and C, if the Court please.

By Judge Brown:

I understand that some of the paragraphs in effect charge that there has been discrimination by reason for race and your motion for more definite statement you want to know the names of the person discriminated against and by whom and the circumstances.

By Mr. Rogers:

Yes sir.

By Judge Brown:

Well, it seems to me and I am saying this so you can — my mind if I am in error, Judge Wisdom and I have a little familiarity, we sat for a week in Hattiesburg and listened to a lot of testimony about registration practices that inevitably that's going to take a lot of proof in the form of registration applications, the actions of the registrar, and I am unable to see how you could possibly allege that with the details you ask in a complaint. If you did you are going to have a thing this thick and instead of [fol. 230] simplifying its going to make it worse. This is the thing for discovery.

By Mr. Rogers:

Pardon me, Your Honor, but may I say this in all due deference I think that it could be furnished to us and I think it would be very helpful, I think it could be alleged because in the motions that we have motions for more definite statement which we have been granted in similar causes not only in this Court but in the Northern District of Mississippi and I think I annexed these orders as Exhibits A and B to my memorandum brief and it tells the Government what they should do, what they should furnish the plaintiff such as giving the names of the persons, the dates and the persons present, the details of the instances relied upon by the plaintiff and I am reading from the Court's order now to show that the registrar discriminated against the negroes by refusing to register. I mean in all seriousness I think that this information could be put in a complaint because it can be put in answers to interrogatories, there is no question about that.

By Judge Brown:

Now here is a difficulty. One of the charges and I use that in a broad sense is that by reason of these practices, well let me back up. The answer we heard before and I am sure its certainly an answer that can be advanced in good

faith is well so what about these statistics, there may be 10,000 whites and 100 negroes, but only 100 negroes have [fol. 231] applied—if they wanted to register why didn't they apply. Well in response to that the Government makes this contention as I understand they have been deterred from doing it because they have seen what's happened to all their friends. Now how are you going to prove that except by that's a thing that's going to be established by a lot of individual instances it would seem to me that either would or would not support the inference that this is the explanation for not more of the negroes applying and I don't know how you are ever going to put that in a complaint any more definite than they have done.

By Mr. Rogers:

Well, may I make a suggestion in answer your question, Your Honor?

By Judge Brown:

Yes.

By Mr. Rogers:

Let's just take this for an instance. They are charging that these clerks have discriminated against negro citizens. Now that they were not allowed to register to vote and all we ask is where did this take place. All right we have and to make a personal reference we have Mr. T. E. Wiggins, one of the Clerks here in the Court Room from Lowndes County, Clerk and Registrar, did that take place in the office of Mr. Wiggins or was it out in one of his precincts where he is required under law to go I believe every [fol. 232] four years to register voters, did it take place out there, who was there, Joe Jones was there, John Brown was there, were they otherwise qualified, were they otherwise qualified to vote, make those statements to us, we have a person here who was otherwise qualified to vote, he went into Mr. Wiggins' office, he was not given opportunity to register to vote and call him by name. Certainly the Government has these names of these people. I assume that they just didn't file this complaint just on hearsay and conjecture, I assume they had some basis to file the lawsuit.

I just can't see that it would be such a burden on them to make more definite five paragraphs out of a seventy paragraph complaint and I think they could do it, they do it all the time, if the Court please, in answer to our interrogatories and they give with great specificity, great particularity and its a big help to us and I think we are entitled to it.

By Judge Brown:

Certainly nothing intimated here is intended to cut off discovery on the part of either party because unless we rule with you on one of the motions it looks to me like it might be a pretty big factual case.

By Mr. Rogers:

I understand that, Your Honor, and I wasn't trying to indicate that you were trying to cut us off but I just wanted to make an analogy with an answer to an interrogatory I believe some of the material that they cover in answer to [fol. 233] interrogatories would be satisfactory and would give us the information we need, if they had plead it in their complaint I don't think it would have been a burden on them, that's the point I am trying to make, Your Honor.

By Judge Brown:

Now it seems to me, Mr. Rogers, isn't this pretty typical of your motion for more definite statement the point that you have made now so far?

By Mr. Rogers:

Yes sir, I think——

By Judge Brown:

I believe we have got a pretty good picture if you want to kind of wind it up in a couple of minutes I think we have got a pretty good understanding of your position and we will simply have to rule on it.

By Mr. Rogers:

All right sir. I will say this the only thing that we are asking for, this is not a dilatory tactic if the Court please, if we just wanted to be dilatory and drag this thing out as far as this complaint and not being in good faith with the Court we could have asked for seventy statements to be more definite. Its not a dilatory tactic and we feel like we are entitled to it in order to frame the responsive pleadings, that's it in the nut shell so to speak. Now if the Court please, I probably have gone over my time but I did want to say—

[fol. 234] By Judge Brown:

You haven't. You have not gone over your time.

By Mr. Rogers:

I did want to make a few more remarks before the government answers me on this and I had intended to take up these paragraphs but I see that that will be very time consuming but I would like to say and I am not trying to actually anticipate the Government's argument in opposition to this motion for a more definite statement but they cite and the Court mentioned the Connelly v. Gibson case and in checking that case over they say, speaking of the Government's opposition, the request by the defendants is a clear attempt to obtain discovery which is not the proper subject of a motion for more definite statement which I certainly admit is true but in checking the Connelly case the Government's opposition brief I find this language, it did say what they said it said but it went further speaking of notice pleading—such simplified “notice pleading is made possible” and when we speak of notice pleading we are speaking of Rule 8 of the Federal Rules, is made possible by the liberal opportunity for discovery and the other pre-trial procedures established by the rules to disclose more precisely the basis of both claim and defense and to define more narrowly the disputed facts and issues and this is the thing that's really significant to me in ———although they cite it in opposition to our motion [fol. 235] it refers to footnote 9 and I am reading from page 85 in 2d Law Edition 2d 80 and it refers to footnote 9

when they speak of notice pleading and the fact that you do have these pre-trial procedures the first thing that they have in footnote 9 such as—

By Judge Wisdom:

What case is this?

By Mr. Rogers:

This is Connelly v. Gibson, Your Honor. I apologize for not having given the citation.

By Judge Brown:

You needn't give the citation unless its not in your brief so far as I am concerned in any of these cases.

By Mr. Rogers:

Its not in ours, Your Honor, its in the Government's brief, however, but they say see Rule 12e motion for a more definite statement, rule 12f motion to strike portion of the pleading, rule 12c and so on. In other words Connelly doesn't say to me what the Government cites Connelly for. They cite it that we are just trying the discovery route or attempting to through a motion for more definite statement. We say that's not what Connelly said. Certainly they speak of notice pleading and we understand what notice pleading is but they go further. They say that is the reason that you have notice pleading is because you have these procedural devices such as a motion for a more definite statement. If the Court will indulge me one moment please sir. [fol. 236] If the Court please, I would just call this to the Court's attention and it is in my brief following the McGuire v. Todd case which we certainly think is the hallmark case as far as rule 9b vague ambiguous pleadings, fraud and so forth, the Fifth Circuit, I am going to just mention the Fifth Circuit Court of Appeals has also highlighted these cases in the Tucker v. National Linen Service Corporation citing McGuire v. Todd, Morgan v. Sylvester, that's from the Southern District of New York, citing McGuire v. Todd and so I will agree with the Court its been quite a precedent; Crawford v. Liteg from Michi-

gan, a 1959 case citing *McGuire v. Todd* and so on and the *Moffett and Commerce Trust* case, its a district court case of Missouri, and for these reasons, if the Court please, we most respectfully urge the Court to cause the Government to furnish us the information that we ask in our motion for a more definite statement in order for us to frame a more responsive pleading, we think it will be to the Court's advantage as far as time wise when the trial finally comes around on its merits to get down as I again repeat down to the meat in the coconut.

By Judge Brown:

I don't see how its going to help one bit. I have been through one of these things now part way through and in the final analysis it isn't anything that the lawyers say here, they have said as much as they can say I believe that [fol. 237] they are discriminating on account of race, its a serious question whether that's taking place to both sides and its only going to be decided except in those flagrant cases by hearing a good deal of evidence and somebody has to draw the inference based on truth, on non-truth and on conduct and everything else.

By Judge Wisdom:

Now I will add to that that there will be that category of cases and then there will be a category of cases where it doesn't matter the names of the individuals don't matter at all, its just a question of the language of the statute and the application generally.

By Mr. Rogers:

I can see how that could well be possible, Your Honor, but we are not if you will pardon the expression we are not just hung up on the idea of the name or where it took place or who was present. We don't feel like one of them is any more important than the other. We are just trying to get the pleadings so that we can frame a responsive answer and we feel like that that would possibly shorten the time that it would take to try the case on the merits if it was sort of slimmed down some so to speak.

By Judge Cox:

The statute doesn't say anything about time and place and persons present and speak with particularity. The [fol. 238] statute mentions circumstances. Do you think that this pleading doesn't state sufficient circumstances with sufficient particularity to let you know in a general way at least what he is talking about.

By Mr. Rogers:

I don't, Your Honor. I honestly do not; in fact I think that there is no way in the world under this complaint for these clerks, these six clerks that are joined as defendants, to know what they are really charged with and of course the Court is well aware that they are charged with a very serious offense and in all honesty to the Court I don't think they have any way of knowing. I will not burden the Court further. I appreciate the time you have given me and I again respectfully urge your consideration.

By Judge Brown:

Thank you, Mr. Rogers. I think we have your case very well on that. Now could we hear from Mr. Doar or who will respond for the Government?

By Mr. Doar:

If the Court please,—

By Mr. Rogers:

Mr. Doar, may I say something?

By Mr. Doar:

Sure.

[fol. 239] By Mr. Rogers:

If the Court please, before Mr. Doar begins his argument I would like to ask to be excused for about five minutes to make a phone call home, my wife is ill.

By Judge Brown:

You certainly may. Would it be all right for Mr. Doar to go on?

By Mr. Rogers:

Absolutely.

By Mr. Doar:

Your Honors, in the——

By Judge Brown:

It isn't necessary for you to be tit for tat and they had the laboring oar so they took forty minutes but I don't think you are going to have to necessarily match that minute by minute.

By Mr. Doar:

In all of the 1971a cases that have been filed in Mississippi and there has been six or seven of them the courts have followed Judge Cox's ruling in the first 1971-a case charging discrimination that this was an act based on fraud and that the plaintiff would have to allege with particularity sufficient circumstances so that the defendant would know what was the basis of the charge. Now as I have argued [fol. 240] several of these motions to Judge Cox and several times as I recall the position of the Court was that when you had a very short pleading without any specificity that it was not fair to the defendants to require them to come into court and do anything until there was sufficiently set forth sufficient facts as contrasted to conclusions were set forth to know as the Court said to me one time whether or not the plaintiff could climb the hill to establish the burden of proof that was required in this type of a case.

By Judge Cox:

I didn't say set forth facts though, I said ultimate facts.

By Mr. Doar:

That's right, excuse me, you said set forth ultimate facts and I say that in this case, Your Honors, that we have set forth the ultimate facts with respect to how the statutes are being used to discriminate against negro citizens in Mississippi.

By Judge Brown:

Are you saying by that that that accounts for a good deal of the detail to which they object in their motion to strike?

By Mr. Doar:

That's right.

[fol. 241] By Judge Wisdom:

Tell me this. Isn't it part of the theory of a case that the individual is not so important as it is because the statute applies to all of them and its not a case of discriminating against particular individuals?

By Mr. Doar:

That is true, Your Honor. Our theory is with respect to the read and interpret part of this case that the statute is unconstitutional because of the legislative purpose of that statute was to discriminate against negroes on the basis of race. Relevant proof on that is allegedly a history itself. That's set forth in great detail. Relative proof on that is the great discretion that is vested in the registrar to determine whether or not the particular applicant would pass or fail.

By Judge Wisdom:

As to that the individual is not important, doesn't matter, the names of the individuals are not important.

By Mr. Doar:

That is true. It has no material at all and how the statute vests this discretion is set forth in considerable detail with respect to this statute in one of the paragraphs, I don't have

it right before me, but the various things that it permits a [fol. 242] registrar to do in administering the test is itemized in detail. Now finally we claim that a part of this case is how the statute is actually being used and in that respect we think the ultimate facts is that it is being used to discriminate A in the selection of the statute; B in the assistance given to white people and not to negroes; C in the manner in which the statute is being graded or the answer is being graded and fourth in determining whether or not a particular applicant will be required to take the test at all.

By Judge Cox:

Are you trying a registration case here before a three-judge court?

By Mr. Doar:

No, we are not because we are not trying anything except the use of a particular statute. We are not trying other forms of discrimination, Your Honor, such as where they take negroes one at a time and white people ten at a time.

By Judge Cox:

That's just one omission?

By Mr. Doar:

That one omission. We are not trying a case where the registrars just says no, you citizens go home and wait a while, we are not trying that, proof with respect to that would not be relevant in this case.

By Judge Brown:

I think Judge Cox has put his finger on one of the [fol. 243] most crucial things for us to discuss to go into today and I am not asking you to elaborate further at this moment. All counsel what is the difference between this lawsuit with a three-judge court and the run of the mill type of suit. I think it comes up in one of these other motions.

By Mr. Doar:

That does come up in a later motion but I don't think that its relevant on the question for a motion for a more definite statement. Now its true that the defendants have cited the MsGuire case and on the other hand we have cited the Connelly case and we also have cited the case or wish to call the Court's attention of the case of Mitchell v. Easy Way Towers, Inc., which was decided in 1959 by the Court of Appeals, it's found in 269 Fed 2d 126, the name is Mitchell v. Easy Way Towers, Inc. Now this was a suit, Your Honor, by the Secretary of Labor against the defendant for failure to pay minimum statutory wage and for overtime hours and there was a very definite motion for more definite statement and the Court said that the defendants weren't entitled to that and the reason they weren't entitled there was nothing to indicate why the defendant from their knowledge of their own records would be unable to either admit or deny the allegations concerning the violations. Now if that case isn't relevant to a voter a case challenging the constitutionality of the statute [fol. 244] where whether or not the statute has been used to discriminate if that is a relevant question depends so much upon their own records and their own conduct I say that there is nothing that would prevent these particular defendants from either answering we deny the charges or we admit them in part and deny the rest.

By Judge Cox:

You are complaining that these citizens are so much more numerous than would be the employees of course on practical basis of your suggestion.

By Mr. Doar:

I don't understand what you said, Your Honor.

By Judge Cox:

I said he is contending that the citizens of a county are so much more numerous than are his employees in a particular business that he has difficulty in knowing in what instance and with whom he is alleged to have practiced this fraud as I see it.

By Mr. Doar:

Well, Your Honor, it doesn't, it's somewhat of a job to take these application forms and put them in a chronological order and put them together and go through and look and see whether white people are getting easy sections and negroes are getting hard sections but its not impossible even in a county where there is 15 or 20,000 people registered [fol. 245] and actually the number of application forms over a five or six year period are not so extensive that this can't be done and who can do it better than the person who graded the application at the time. He knows. Many of these instances we don't have the records, in three of these counties we haven't got the records yet. In every one of these cases after we get the records our facts are displayed in great deal more detail than before.

By Judge Cox:

You don't have a particular record but to my knowledge I think I made about eight registrars turn over things to you, I think I have tried about three or four additional cases, so you have eleven or twelve to my knowledge where you know just about as much as anybody I know of about what's going on in the Southern District.

By Mr. Doar:

Your Honor, that's absolutely right but the point all I say is that the State of Mississippi is divided into two districts. One district there are certain registrars that haven't given us the records.

By Judge Cox:

Well, I think I have got enough to do in the Southern District without taking over the Northern.

By Mr. Doar:

Well, that's all I care to say on this point, Your [fol. 246] Honor.

By Judge Cox:

I don't mean to cut you off.

By Mr. Doar:

I understand, but it is true that we have got the records in the Southern District. Where we have got the records we filed detailed and specific answers to interrogatories in which we set forth the full contents of our case sometimes in fifty or sixty pages in answers to interrogatories as to all particulars. I claim they would be entitled, I agree they would be entitled to get these answers.

By Judge Wisdom:

Let me understand. You say when interrogatories are filed in this case asking for the detailed information which they say should be included in the complaint that you will give that information. Is that correct?

By Mr. Doar:

We will and we have. We have in the cases in your Court. I think, Your Honor, this one argument about whether or not we have to furnish the full statements of every person who has been interviewed and the other day the Court ruled that this was not available to the defendants, this particular matter was not available to the defendants under Rule 33, but the names and addresses of white persons—

[fol. 247] By Judge Wisdom:

In other words you are addressing the interrogatory in support of allegation 45 to state the names and addresses as known and the witnesses you propose to produce in support be given.

By Mr. Doar:

We have given that. We have also given state the names and addresses of all white persons who received preferential treatment and indicate how they got preferential treatment we have given that and state the names and addresses of negro citizens who were discriminated against and how that was done we have given that. State the names of all persons that have interviewed people we

have given that. It's just a matter here of whether or not this information must be required by way of a more definite statement.

By Judge Brown:

I think we have that part of the case. We have so many other motions I think we better go on to the next one.

By Mr. Wells:

If the Court please, before we proceed with the next motion I would just make one statement to clarify the John Brown that Mr. Rogers referred to I am sure is from Columbus, Mississippi and not Houston, Texas.

[fol. 248] By Judge Brown:

You are talking about credible witnesses.

By Mr. Rogers:

I assure the Court it wasn't personal.

ORAL ARGUMENTS ON DEFENDANTS' MOTION TO STAY AND DOCTRINE OF ABSTENTION

By Mr. Wells:

Next, if the Court please, I would like to call up motion to stay and doctrine of abstention and will be handled by Mr. Joe Drake and Mr. Drake tells me he will not need more than fifteen minutes.

By Judge Brown:

I think we ought to be able to handle it in that at least. I think we are the court is pretty familiar I think with the case law on this and what you have to do is to demonstrate to us why where there is a massive attack on the federal constitutionality of the Mississippi statute why we should leave that to Mississippi courts.

By Mr. Drake:

If the Court please, as the Court says you are familiar with the case law on the matter. We—

By Judge Brown:

Excuse me, Mr. Drake. Is this called Number 4 motion of defendants to stay doctrine of abstention?

By Mr. Drake:

Yes sir. If the Court please we had not filed a written brief on this matter setting out the court authorities, [fol. 249] there was a little confusion in it. If the Court would like I would be glad to give you a list of the authorities before you dismiss. In this doctrine of abstention as the Court is aware it arose in its modern form in the so called Pullman case in 1941 which was a case from Texas having to do with a regulation of the Railroad Commission of Texas which was an alleged discrimination against the negro pullman porters and basically the rule as announced was that the doctrine of abstention is appropriate to our Federal system whereby the Federal Courts exercising a wise discretion restrain their authority because scrupulous regard for rightful independence of state governments and for the smooth working of the federal judiciary. This use of federal powers is a contribution of federal courts in furthering the harmonious relations between the state and the federal authority without the need of vigorous congressional restrictions on these powers. That as followed out by a number of cases has been instated to require, some cases say require, some cases don't go quite that far, that a federal court before considering the constitutionality of a state law and by state law I mean either a legislative enactment or a constitutional provision where the law is subject to interpretation and where the interpretation thereof might affect the validity under the Federal Constitution and that the courts will refrain from passing on the [fol. 250] constitutionality or unconstitutionality until such time as the state courts have interpreted these possible questionable matters so that if these matters are subject to interpretation then the state interpretation of it will control before deciding whether or not the state enactments, whether they be laws or constitutional provisions are unconstitutional. The complaint in this case has made general charges that these laws of the State which they attack are subject in effect are subject to interpretation *uh* and looking at these provisions we can see where there

can be room for interpretation. Section 244 of the Mississippi Constitution as originally enacted required that the applicant for registration read any section of the constitution or be able to understand the same when read to him or give a reasonable interpretation thereof. Now this section as enacted in the Constitution of 1890 has been upheld by the Supreme Court in an earlier section but apparently this complaint attacks it again, but we come up to the question what does the constitution mean by read or what does it mean by understand. To my knowledge and the knowledge of the other attorneys for the defendants in this case there has been no applicant for ~~registration~~ who have been denied registration because of lack of ability to read or understand or interpret. None have followed out their right of appeal to—

By Judge Brown:

Now let me get you straight. Are you saying here that [fol. 251] the individual voters have not exhausted their so called Mississippi administrative rights?

By Mr. Drake:

Administrative rights.

By Judge Brown:

Well now we are walking right into just a voter discrimination case aren't we, it is no business of a three-judge court and when we come to that maybe you have an abstention point but I don't see where you have an abstention on a suit brought by the United States pursuant to a statute that says the district courts of the United States have jurisdiction, that the sovereign has to go to the state court system to test the federal constitutionality of a statute.

By Mr. Drake:

Now the question what my point is this, however, that to be able to say whether or not these laws are unconstitutional because on their face they do not set up standards that in effect is what this complaint is.

By Judge Brown:

Well now specifically what is it that you should say ordinarily when you abstain you enter an order, we abstain until the parties who are directed hereby to proceed forthwith file in an appropriate Mississippi Court an action which will determine the following questions. Now what questions do you say that the Mississippi Court ought to pass on?

[fol. 252] By Mr. Drake:

Well, the one question that was raised particularly in this complaint is good moral character. What is meant by good moral character? That should be determined by the state courts. Is the conviction for a traffic violation in a court does that make a man of not good moral character and that's one example. Another one is we here in Mississippi are as far as liquor is concerned a dry state. The fact that a man takes a drink does that make him of not good moral character, that's a violation of the Mississippi law, but does that make him of not good moral character so that anyone can challenge him whether the man challenging him be white, colored or anybody. Frankly, if that's the case anybody could challenge me if I register again. The question has not been settled and they have raised the question particularly of the constitutionality of this good moral character business because they say it is indefinite. That question, I believe, has—

By Judge Wisdom:

Is there any Mississippi decisions on good moral character as a requirement of registration.

By Mr. Drake:

Your Honor, as far as I know there have been no decisions on that case. As far as I know there have been no refusals to register—

[fol. 253] By Judge Brown:

Well now this makes, let's see, in effect you are saying this are you not that there is a likelihood that the Supreme

Court of Mississippi will do one or two things. It will either specify what constitutes a good moral character or the absence of it in which case the Federal constitutional question is never reached or it will do as this court is asked to do strike it down because it is so broad and indefinable that rights too valuable are impaired and there again the Federal Court doesn't reach the question. That's about what you are saying.

By Mr. Drake:

That in essence, Your Honor, is what I have in mind that these matters like this that if the State Constitution the State Supreme Court says they are meaningless should be stricken down that does not then require the Federal Courts to pass on it.

By Judge Brown:

Now do you have in Mississippi a declaratory judgment system?

By Mr. Drake:

No sir, we do not.

By Judge Brown:

Then what kind of a lawsuit would this be. Would the United States Government have standing in the Mississippi [fol. 254] Court? Where do they go to chancery or to the law side or what?

By Mr. Drake:

Your Honor, very frankly that has bothered me somewhat myself. In the lack of a provision for a declaratory judgment I frankly don't know any procedure whereby the government itself could come into the State Court for an interpretation. Any discriminated against registrant has that right of appeal and if that is a matter that has caused the discrimination by preventing registration those matters should have been appealed through the administrative procedure and through a hearing in the courts.

By Judge Brown:

Well, one of the contentions of the Government is that under these recent amendments the process is so costly or apt to be that a negro without abundant resources cannot incur the risk of legal costs which are a part of the administrative hearing as I understand these 60 or 62 amendments tax costs as a chancery case.

By Mr. Drake:

Your Honor, of course we realize that it might be expensive. There is no denying that, but what has worried us is should the normal judicial procedure for determining these things be shall we say in effect if I may say so without offense to the Court short circuited where the process [fol. 255] dure set up would give the proper court the proper proceeding the authority to pass on these questions which might be raised. Now, if the Court please, on that I—

By Judge Brown:

You have got even more protection for the advancement of Mississippi's point of view through the three-judge Federal Court route than you have through the State because you have an automatic right of appeal to the United States Supreme Court from the decision of this Court. The appeal from the Court of Mississippi is discretionary and maybe Congress at least thought that that was the way that Federal constitutionality of State statutes should be determined and set up a three-judge system.

By Mr. Drake:

Yes, Your Honor, we are aware of that. As I have said and I am reiterating now I think that I have about depleted our ideas on the matter unless the Court has other questions, but our idea is that these matters that are possibly subject to interpretation should be interpreted first by the State Supreme Court. If the Court please, with that I will conclude my argument. I feel that these matters should be interpreted first by the State Court.

By Judge Brown:

Thank you, Mr. Drake.

[fol. 256] By Mr. Doar:

Your Honor, all the Government wishes to say in response to this motion is that this is the normal judicial way to test the constitutionality of state statutes which the Government contends are invalid under the 15th and 14th Amendment. This is what happened in the case of *Darby v. Daniels* and this is what happened in the case of *Davis v. Snell* and we respectfully say to the Court that in a matter as important as free and free voting rights under the 15th Amendment that it isn't proper to consider the federal-state relationship in the same way that you might consider a complicated tax system. This challenge that the Government has made is that the voting statutes in Mississippi are all bad and contrary to the 15th Amendment and under the Civil Rights Act of 1957 and under the procedures that the Federal Courts have traditionally followed they hear these cases and decide them on the merits and that's what they have to do.

By Judge Cox:

Mr. Doar, are you complaining of the purpose of these iniquitous statutes or the effect of these statutes?

By Mr. Doar:

We are complaining both the purpose and the effect is to discriminate against negroes on the basis of race. We think that the effect of the statutes how they are being used is relevant on the question of purpose. We think that [fol. 257] you don't have, we think that the purpose of the statute does not have to say on its face white persons shall register, negroes shall not to be a device to discriminate and be unconstitutional to have a three-judge court declare the statute unconstitutional.

ORAL ARGUMENT ON DEFENDANTS' MOTION TO DISMISS THE
COMPLAINT FOR LACK OF JURISDICTION OF SUBJECT MATTER.

By Judge Brown:

Thank you. The next motion is Number 3 Motion to Dismiss the Complaint for Lack of Jurisdiction of Subject Matter.

By Mr. Wells:

If the Court please, as you will notice in the memorandum Mr. Stockett will confine his argument in this matter to that portion of the motion dealing with the capacity of the plaintiff to bring a suit of this kind. Other phases of it are covered in the brief and that's what he's directing his attention to.

By Judge Brown:

Now is the motion headed Motion of All Defendants to Dismiss the Complaint for Lack of Jurisdiction of the Subject Matter?

By Mr. Stockett:

That's correct, sir.

By Judge Brown:

Thank you.

By Mr. Stockett:

If it please the Court, the argument that will be pre-[fol. 258] sented here is two prong and I will dispose of the second of those rather briefly. As the Court has seen from our brief filed in support of this motion, our second contention is that 42 USC 1971a does not encompass or include any registration or any other prerequisites for voting, but only the actual act of voting and I am not going to dwell on that point. I believe that we are correct. I do want to comprise the Court of something I am sure its already aware of which is that the United States Court

of Appeals for the Fifth Circuit in the case of United States against Dogan has decided this question adversely to our contentions. We with respect believe that we are correct. I am not going to waste the Court's time telling you that we are correct and the Court of Appeals was not correct.

By Judge Brown:

Well now Judge Wisdom for another Court has also written on the same subject in an opinion just filed.

By Judge Wisdom:

Yes, we held it did apply.

By Mr. Stockett:

I do not want to, I want to preserve this point and I think that we are correct in it but I am not going to argue, it's been briefed already and it is before the Court and I am not going to discuss that part of it.

By Judge Brown:

For the information of counsel the opinion I referred [fol. 259] to is in United States v. Manning, Civil Action 8257 of Western District of Louisiana, Monroe Division, and the opinion was just filed a day or two ago and you can get copies through that clerk I am sure.

By Mr. Stockett:

Now, Your Honor, we admit at the threshold of this lawsuit with what I consider to be a very basic question and that is the right or power of the United States of America by its Attorney General to bring this type of action seeking to invalidate state statutes setting up requirements for registration and to try to clarify or to narrow this jurisdictional question as much as possible I want to emphasize what we have already emphasized in the brief that the right of the Government to bring this action is conferred solely by 1971d, by 1971-c and d of

Title 42 and we believe that the gist of this lawsuit charges a violation of 1971a and this Court is well familiar with that subsection.

By Judge Brown:

Well now what difference does that make?

By Mr. Stockett:

We believe it makes this difference, Your Honor, that the Government cannot assert any Fifteenth Amendment rights as such but can only assert rights that are guaranteed and protected by 1971a and I would like to call to the Court's attention—

[fol. 260] By Judge Brown:

c provides the Government may bring a suit to enforce a does it not?

By Mr. Stockett:

To enforce a.

By Judge Brown:

And c, g or h provides that with respect to suits filed under c the word to vote shall mean and then it goes right on down through the act of registration and everything doesn't it.

By Mr. Stockett:

Your Honor that definition is confined to the referee portion of the 1971.

By Judge Brown:

That's a good question whether it is so confined.

By Mr. Stockett:

I will say that it begins by saying as used in these subsections the word vote shall mean and its certainly our contention that when they said subsection they were mean-

ing 1971e and nothing else. If they had meant something else they might have said sections, but I am not addressing myself to that point. The point I am addressing myself to, Your Honor, is the difference between the Fifteenth Amendment and 1971a and we believe that the Government here is confined to 1971a and I can point out the difference. [fol. 261] I cannot point out the difference any better than did a three-judge district court for the Southern District of New York in the case of Comacho v. Rogers. I have this case reproduced if it would be of any aid to the Court here.

By Judge Brown:

Hand it to the clerk. Thank you.

By Mr. Stockett:

And on the last page of this case over on the right hand paragraph at the top this is what that court said, it quoted 1971a and it said this is merely a restatement of the Fifteenth Amendment except that it adds the words who are otherwise qualified by law to vote. The added words serve as a limitation in so far as the plaintiff is concerned.

By Judge Brown:

Well, now I am sorry I don't understand what you are trying to say. I don't mean that critically but the statute gives the Government the right to bring a suit to enforce a.

By Mr. Stockett:

Correct.

By Judge Brown:

Now you say this is not an a suit?

By Mr. Stockett:

No sir, this is an a suit, this is an a suit, it is not a Fifteenth Amendment suit.

[fol. 262] By Judge Brown:

What difference does that make as long as its an a suit?

By Mr. Stockett:

We concede its an a suit, Your Honor. The point I am trying to get to is this that this Three-Judge District Court in New York says an a limits a Fifteenth Amendment.

By Judge Brown:

I don't know how a statute can limit the Fifteenth Amendment.

By Mr. Stockett:

Simply because, Your Honor, this is a statutory right that the Government has asserted here.

By Judge Brown:

Oh, I see.

By Mr. Stockett:

And the statute says that anyone who is otherwise qualified by law to vote shall be entitled to vote without distinction of race, creed or color or condition of servitude.

By Judge Wisdom:

Well, now it seems to me that you are using the term qualify in the sense that an applicant must be registered, but I take the statute as not, I don't read the statute that way at all. In fact I read the statute as providing that if an applicant is qualified under state law and [fol. 263] by qualified we mean qualified according to constitutional requirements and if there are any requirements that are unconstitutional they have no application. If such an applicant is qualified then under the Fifteenth Amendment he has a right to vote and I think that really what this the effect of this statute is not at all as you read it. The effect of the statute is to help the state enforce proper constitutional qualifications.

By Mr. Stockett:

Yes sir. Well,—

By Judge Wisdom:

And all of that is under the Fifteenth Amendment. As a matter of fact its also under the Fourteenth and to the extent that you do not distinguish between registering for state elections and registering for federal elections its also under Article 1, Section 4 of the Constitution.

By Mr. Stockett:

Correct, but, Your Honor, I am not addressing myself to this question whether registration is encompassed in voting.

By Judge Wisdom:

I understand. You are talking about whether this suit is under the act but then the question is whether the act is authorized by the Fifteenth Amendment and the Fifteenth Amendment specifically provides that Congress may adopt appropriate legislation to make sure that the Fifteenth Amendment is not violated. Now Congress considered that [fol. 264] this was appropriate legislation because it corrected abuses and discrimination in the registration office. That doesn't fix qualifications.

By Mr. Stockett:

No sir, it does not fix qualifications, but all I say is that the only rights that the Government can assert here are of persons who are otherwise qualified by valid constitutional provisions.

By Judge Wisdom:

Well, now these applicants are otherwise qualified if they comply with the constitutional requirements of the state, not the unconstitutional requirements but the constitutional requirements.

By Mr. Stockett:

That's right.

By Judge Wisdom:

So therefore that is exactly what this suit is to see that qualified electors voters have their right to vote preserved and your question then is whether or not this is appropriate legislation really.

By Mr. Stockett:

No sir, I am not attempting to reach to that point. The point I am reaching to is this that the only rights, let me put it this way, Your Honor, prior to passage of the Civil Rights Act of 1957 an individual whose rights were deprived [fol. 265] under 1971a could bring a suit. Now assuming that registration is included in the word vote, assuming that, in that lawsuit the burden, the burden was on this individual or group of individuals who brought the suit to show that they were otherwise qualified by law. Now we say that the only rights vested in the United States by the Civil Rights Act of 1957 were those rights which individuals prior to 1957 could exercise and so we simply say this that each case stands on its own, that is each individual case and we also say this Your Honor, as we cover in our brief, that it's been held repeatedly that the only basis that the constitutional basis it was held by this in the Raines case the constitutional basis for 1971a is the Fifteenth Amendment. Now we cited the Wynn case in our brief which I won't go into which we believe holds that the effect of the Fifteenth Amendment on state voting requirements is self-operative in that it just completely deletes any discriminatory provisions that may be contained in state voting provisions. That's the only effect. We believe that is the only effect that the Fifteenth Amendment has on state voting requirements and—

By Judge Wisdom:

Well, that isn't the only effect because the statute specifically authorizes Congress to enact appropriate legislation if it cares to.

By Mr. Stockett:

But, Your Honor, we don't believe that that appropriate [fol. 266] legislation can go outside the reach of the Fifteenth Amendment.

By Judge Wisdom:

That's correct. That's correct unless he can bring it under the Fourteenth Amendment or the First Article.

By Judge Brown:

Does this motion, this particular motion address itself to whether it is a three-judge case?

By Mr. Stockett:

No sir. No sir. It addresses itself to the right of the United States to bring this kind of lawsuit attacking the constitutionality of state——

By Judge Brown:

Of a statute that is ostensibly constitutional on its face.

By Mr. Stockett:

That is facially constitutional that does not patently discriminate on account of race and I won't, I believe that I can say with some certainty that our statutes under attack here do not on their face make any distinction on the basis of race. If they did I would concede that the self-operative section of the Fifteenth Amendment would invalidate them. That's not the case here.

By Judge Wisdom:

But here you have let us assume because this really is [fol. 267] basic to the Government's theory this complaint assumes that the constitutional requirements or qualifications are met by these voters, that is they are over twenty-one and they have the proper residence in the county and so on but that they are being kept off the rolls let us say contrary to the Fifteenth Amendment because of these unconstitutional requirements. Now that being the case this is properly an act for persons otherwise qualified within the literal language of the act and certainly within the both the language and spirit of the Fifteenth Amendment and that's why I can't follow your reasoning in this thing at all.

By Mr. Stockett:

Because the statutes here, Your Honor, are facially constitutional.

By Judge Wisdom:

Well all right whether it is on its face or not the question at issue is whether in spite of being constitutional on its face its unconstitutional considered in terms of its purpose and legislative setting and also in its application.

By Judge Brown:

Are you really saying that the United States is powerless to attack a statute because its unconstitutional in its operation.

By Mr. Stockett:

Unless a statutorily invested interest of the United [fol. 268] States has been violated I say it is powerless to do so, yes sir, and the point that we are trying to get to here is that this statute simply does not authorize this kind of lawsuit and they have got to proceed under the statute. They talk about the Fourteenth and Fifteenth Amendments but nevertheless jurisdiction is vested by the statute.

By Judge Wisdom:

You see this case that you cited to me is not at all in point because in that case the registrant objected to a literacy test and those literacy tests have been up to now at least have been held so that's in the same category let us say as an age requirement so that this applicant simply had no was not qualified, was not in the language of the statute "otherwise qualified to vote."

By Mr. Stockett:

And we believe by the same token, Your Honor, that if these applicants for registration don't meet these voting requirements which are valid on their face of the State of Mississippi that they are not otherwise qualified to vote in this case. That's what we analogize with.

By Judge Wisdom:

Sir, you are asking us to decide the case in advance.

By Mr. Stockett:

No sir, we believe this is a jurisdictional question. I am not going to go into the language of the Wynn case which——

[fol. 269] By Judge Wisdom:

I think that if the evidence showed for example that the statute was constitutional, that the interpretational clause was constitutional and that there had been no misapplication of the statute then see you would be correct but that's the point at issue.

By Judge Brown:

Well you would be correct because you had won, not because the Court liked pie.

By Mr. Stockett:

Well, Your Honor, I can't agree with you there but there is a correlative idea to this one that I have just stated.

By Judge Wisdom:

Its something like jurisdiction to determine jurisdiction.

By Mr. Stockett:

Yes sir, and without going into the cases of Davis v. Snell and these other cases as a correlative idea to this one that I have just stated which is this that if the statute under attack that if the registrar, I have specific reference to the Davis v. Snell case which this Court is familiar with, if the statute under attack would allow the registrar acting within the scope of that act, acting within the scope of the state statute if that statute would allow the registrar to [fol. 270] act in a discriminatory way and it was shown that the registrar had acted in a discriminatory way perhaps there may be some basis for declaring the act to be unconstitutional and in Alabama as this Court knows the

statute said that the applicant for registration had to understand and explain to the satisfaction of the registrar certain provisions. Now the Court found that that statute, that statute itself allowed the registrar to discriminate and that discrimination had occurred under that statute. We believe that all of these statutes under attack here do not do that. We believe this if anybody has acted wrongfully that if any registrar in Mississippi or any of these defendants has acted wrongfully its been outside the scope of these Mississippi voting statutes which are under attack and being outside of the scope of these statutes which are under attack there is no basis for declaring these acts to be unconstitutional.

By Judge Wisdom:

That's why I say this is very much like jurisdiction to determine jurisdiction because until this case is over and we have a chance to consider the purpose of the Mississippi statutes and the application of them then we can't say that they are constitutional and we can't say that the negroes would be qualified.

By Mr. Stockett:

Your Honor, in response to your observation with respect I believe that this Court could settle this jurisdictional question at the outset without having to wait to hear evidence for this reason if on the face of these statutes they do not permit discriminatory acts to be committed and we say they do not—

By Judge Brown:

Davis v. Snell had a statute that was not discriminatory on its face.

By Mr. Stockett:

I believe it was discriminatory on its face.

By Judge Wisdom:

What about Yick Wo?

By Mr. Stockett:

Your Honor, the Yick Wo case—

By Judge Wisdom:

Well, now let's not go into that. That's dragged in every time and I dragged it in myself but at any rate you must admit that that is a case of a statute that was constitutional on its face.

By Mr. Stockett:

No sir, I believe not. I believe it was held unconstitutional on its face.

By Judge Wisdom:

Unconstitutional on its face by consideration of the purpose and its setting.

[fol. 272] By Mr. Stockett:

Well, by vesting this great discretion in officials to do wrong to commit discriminatory and wrongful acts by showing that these acts had actually been committed, but we earnestly submit to this Court that the statutes under attack here far different from the Alabama statutes that were invalidated in Davis v. Snell. We believe that unless it can be shown that the terms of the statutes themselves permit wrong-doing to be committed that there is no basis for declaring the statutes unconstitutional and I would cite the Court to one Mississippi statute.

By Judge Brown:

Well you are talking about the merits of the case.

By Mr. Stockett:

I am talking about with deference, Your Honor, I think I am talking about jurisdiction of this Court to entertain this case and I would only cite the Court to one Mississippi statute which is Section 2111—

By Judge Brown:

If this court finally holds that this is not a 1971a case and that without 1971a the United States cannot bring a suit, a point on which I have considerable doubt, then it has nothing to do but enter a decree for defendants but it can only do that after it determines the merits of the case.

[fol. 273] **By Mr. Stockett:**

Your Honor, I submit that the jurisdiction can be determined and with deference should be determined.

By Judge Wisdom:

Only if we say as might have been said in the grandfather clause cases that the statutes are constitutional on their face because they apply equally to whites and negroes.

By Mr. Stockett:

In the grandfather clause cases?

By Judge Wisdom:

Well no reference to race and it applied to everybody who had a grandfather.

By Mr. Stockett:

Well, Your Honor, there of course is a distinction there which I think is obvious which is in the grandfather clause cases the Court could take judicial notice of the statutes of the State of Oklahoma of January the 1st, 1866, which specifically and by their terms prohibited colored people from exercising the franchise in that state. Now—

By Judge Wisdom:

Can we take judicial notice of the fact that negroes as a class have not sufficient education to understand all the sections of the United States Constitution and all the sections of the Mississippi Constitution?

[fol. 274] By Mr. Stockett:

With deference I don't believe that—

By Judge Wisdom:

I think we could in one case as well as the other. Lawyers don't know what they mean, what it means.

By Mr. Stockett:

Well, I believe that the Court is more justified in taking judicial notice of a statute than it is of some educational level of a group of people and I believe the distinctions between this case and the grandfather case although the grandfather case didn't mention race specifically it was patent, that was a clear reference that you could mate back to the statutes of Oklahoma which at the time of the saving provision was prohibited colored people from voting.

By Judge Brown:

Davis v. Snell simply said that the voter shall give a satisfactory interpretation of the meaning and purpose of the section of the constitution.

By Mr. Stockett:

To the satisfaction of the registrar, Your Honor.

By Judge Brown:

It was no reference on the face of the statute to race and yet it was stricken down because it was an instrument of discrimination.

[fol. 275] By Mr. Stockett:

Because the statute itself—

By Judge Brown:

That was a three-judge case too

By Mr. Stockett:

It was a three-judge case, but we say, Your Honor, that the statute permitted, a finding there was made that the statute permitted the discrimination to occur and I was going to refer to a Mississippi statute which is Section 2111 of the Mississippi Code which I have referred to which makes it a criminal offense in this state for anyone to register somebody who is not entitled to register and to fail to register somebody who is entitled and we don't believe the statutes of this state are—

By Judge Brown:

Your argument now just undercuts Ex Parte Young and everything that's ever followed from it and its been rejected time and time again in all civil rights matters that the action to be state action must be legal state action, it only has to be done by one acting under color of his law, color of his authority even though its a violation of the state law to do the act.

By Mr. Stockett:

Your Honor, if the state law is unconstitutional that's the rationale of Ex Parte Young. The statute there was [fol. 276] unconstitutional on its face, it violated the due process clause of the Fourteenth Amendment on its face and we believe that this question of facial unconstitutionality is the one that this Court should address itself to and we believe and want to urge again that that is the widest scope of the Fifteenth Amendment is to invalidate that kind of statute and I don't believe I could add anything to the argument and to what has already, I would like to reiterate again what has already been incorporated in our brief in support of this motion.

By Judge Brown:

Very well. I think you have done a good job, Mr. Stockett. Let me suggest we are going to take now a five minute recess and I don't know whether how that counsel will feel about it but it would seem to me and the counsel might discuss it on both sides that it would serve the interest of everyone concerned if we took up next Number 4 from

Mississippi's standpoint and the Government then would respond to both 3 and 4 at one time. We won't make any ruling on it at this moment but it does seem to me that so much of this is going to be repetitive. Motion Number 4 is the motion to quash the three-judge court and certain specified matters. They seem to be closely related. The Court will take a recess for five minutes and keep yourselves in attendance so we do not *lose* any time.

(At which time Court recessed for five minutes.)

[fol. 277] By Judge Brown:

What's the disposition of counsel on the suggestion made just before—

By Mr. Wells:

Its agreeable with us, Your Honor.

ORAL ARGUMENT ON DEFENDANTS' MOTION TO QUASH THREE-JUDGE COURT AS TO SPECIFIED MATTERS

By Judge Brown:

Then we will proceed then to hear from the defendants on Number 4 Motion to Quash Three-Judge Court as to Certain Specified Matters. That's the caption of the motion that I find in my hand and who will address us.

By Mr. Wells:

Mr. Allain.

By Mr. Allain:

The Court will recall that a brief has been submitted in support of the motion and also a rebuttal brief submitted after the brief on opposition was submitted by the Government so the Court will have two briefs available on this particular motion. The first part of the motion is requesting that this court be quashed as to 244 of the Mississippi Constitution of 1890 before it was amended in 1955 and our grounds for that request is that this section has been declared constitutional by the Supreme Court of the

United States in the Williams v. Mississippi case and as the brief shows this court being an inferior court is bound by the decision of the Supreme Court.

[fol. 278] By Judge Brown:

I think the press should be informed that the Constitution calls this an inferior court.

By Mr. Allain:

And I would like to inform the Court that I was using the constitutional language and not my own. I would like to say at the outset that I am not too sure whether or not I am striking at something which is not even in the complaint. By that I mean I do not even know whether or not the complaint is attacking the constitutionality or is requesting this Court to strike down 244 before it was amended. Now it is our position if 244 as amended in 1955 should be declared unconstitutional by this Court then under constitutional principles of law 244 before amendment in 1955 would become effective and operative. Basing it on that constitutional principle we cite the Court the complaint in this particular case in which there are certain allegations made that old 244 before the amendment was voted on by the people, was put into the Constitution by the Convention of 1890 and it goes into the same allegations made in the Williams case as to the number of negroes who were registered prior to 1890 and the number of negroes who were registered thereafter and tries to show the purpose and intent of old 244 as being an evil intent, and intent to disfranchise the negro, but as the Court will turn to the prayer of the Government there is no request in the prayer to strike down or declare unconstitutional old 244, that is 244 of the Constitution of 1890 before it was amended. Now there is some language in the first part of the complaint though the prayer does go to this extent the prayer goes further to say that they want this Court to legislate to a certain extent. In other words they want this Court to say that negroes who are qualified, are twenty-one years, et cetera, et cetera, and who can read, in other words forget about the interpretation of the Constitution et cetera, can read so if the Court should legislate in this case then that legislation

would strike at old 244 because under old 244 if you did strike down new 244 they would have to read and if they could not read and if they could not read a section of the Constitution to be able to understand and give a reasonable interpretation so you can see that the prayer would somewhat strike at 244 but it would strike at old 244 only to negroes so we ask the Government again are they intending to tell the Court this, to strike down new 244, therefore under constitutional principles old 244 would become effective. Now that's to be applied to white people—

By Judge Brown:

Now that's Mississippi Constitution isn't it?

By Mr. Allain:

That's right sir.

By Judge Brown:

Mississippi Constitutional principle whether the extinction [fol. 280] of a subsequent amendment automatically restores the former section which was repealed by the unconstitutional section.

By Mr. Allain:

I did not know that it was limited to Mississippi.

By Judge Brown:

Well, I would think that would be a matter of Mississippi law rather than federal law.

By Mr. Allain:

So assuming that they are striking at old 244—

By Judge Brown:

Well, now let me ask you on the Mississippi law are there any Mississippi cases that hold that where a repealed section, a section repealing a prior section of the State Constitution is itself declared unconstitutional the repealed section remains in sort of revived.

By Mr. Allain:

Your Honor, I can't cite the Court a case at this time. It's my understanding that to be the law unless the statute itself makes specific in there should it be declared unconstitutional that the old section—

By Judge Brown:

Well, what do you say to this, Williams, I read it again yesterday, they are very clear to leave open an attack based upon the administration of the registration statute [fol. 281] under old 244 and it does seem to me that as a part of this complaint they make that kind of a contention that in its administration that while it looks all right on the face of it it doesn't work that way.

By Mr. Allain:

That's true sir, and we are getting back into what the Court was discussing with Mr. Stockett previously and I would like to reiterate the position we think is a sound position is this, it would be a very chaotic condition not only in Mississippi but else where if we have here a statute which has been declared on its face constitutional by the Supreme Court and also someone went into the intent of it because they did make that allegation and come along and say that six registrars can make a statute which is valid, a constitutional provision which is valid make it unconstitutional. Now the question is this—how many registrars have to have an evil practice because six registrars assuming for this argument that they show six registrars is my registrar say in Adams County who is doing the duty that he is imposed upon by these statutes is that going to say that the other seventy some odd are actually applying the law as it should be applied. That's going to say if you have a district attorney down here and he has got three negroes who committed murder and three white people who have committed murder and he refuses to prosecute or bring before the grand jury the white people but [fol. 282] does prosecute the negroes. Is he discriminating and therefore do the laws of murder in the State of Mississippi fall out of the window because of the application and that's getting back, Your Honor, to this Snell case and the

Yick Wo case. In other words these people could act, they could act within that statute. In other words in the Snell case if you gentlemen here were looking at an appeal made to you by a negro who said I was refused the right to register they cannot look there and say well did you give a reasonable interpretation. They must only look at one thing what authority by that statute does that registrar have and as they said in there he has the authority to say to my satisfaction you did not understand and explain it and the Snell case goes off on those two words understand and explain. Your Honors will find in the Snell case there is language that says there is no reasonable understanding or reasonable interpretation.

By Judge Brown:

I don't understand the difference between give an explanation and to give an interpretation and again I am talking from experience in Hattiesburg where they were asked to copy a section of the Mississippi Constitution, that's what the application required and then they have to give an interpretation and if they just didn't copy it, if they copied it it was wrong because they copied it and it wasn't an interpretation and was in exact words. An explanation and [fol. 283] interpretation to me are the same thing unless I don't interpret the English language correctly.

By Mr. Allain:

Well, now don't get me wrong. I am not saying the word interpretation and explanation are different to that extent but explanation in and of itself, interpretation in and of itself may be bad because that means as the Court in the Snell case says sometimes four justices of the Supreme Court will think of one interpretation but the Snell case now citing from that case says there is no requirement in the Boswell Amendment there is no requirement that the understanding or explanation be in writing. The language does not call for what, a simple, fair or reasonable understanding or explanation. They make reference to that as though they are giving credence to the fact that in the Boswell Amendment it says reasonable interpretation. Now if that negro come before this Bench and said under the Boswell Amend-

ment had you given an interpretation or explanation or understanding to the satisfaction of the registrar all this Court can look to is to say this we can't look into what an explanation to his reasonable satisfaction was but under the Mississippi law this Court can say this and the Board of Commissioners in the county can say this has he given a explanation of the constitutional provision, no sir, a reasonable explanation. In other words they are trying in De novo where under the laws of Alabama they were merely [fol. 284] looking at the discretion that was placed in the registrar. Now in Mississippi they can go into the county commission and say we have been discriminated against, we have not been allowed to register, they will take that application before him, its in writing. Another thing in the Snell case seemed to think the Boswell Amendment was bad because in other words it was a case of getting up here and saying you did or didn't do it, but now under new 244 in Mississippi it has to be in writing, by the Congress they have to keep it twenty-two months so they could come before this Court and say this and the Court could look at it with a judicial eye and say is that a reasonable interpretation of Section 130, not have you explained it or interpreted it to the satisfaction of this individual, have you given a reasonable interpretation. They can sit as a registrar, not look behind to see whether he necessarily used his discretion, they can say this is a reasonable interpretation, therefore we put you on the rolls. There is the distinction not only made by the amendments here but made by the Court in the Snell case. They plainly said that it wasn't a reasonable interpretation, it wasn't reasonable explanation, it was explained. Now we say that our statutes meet that burden by allowing it to be a reasonable interpretation, therefore the court can look at it with a judicial eye and I say—

[fol. 285] By Judge Brown:

Aren't you arguing the merits as though this is a motion to dismiss for failure to state a claim because on your argument 244 as amended requiring the read and interpretation is susceptible of fair application?

By Mr. Allain:

No sir, I do not think so because of this in our distinction and here is where our distinction lies in the application and the face of it. If its on the face of it then a registrar applies it with an evil eye and an uneven hand this Court or a District Court would still have the right to issue an injunction against the registrar who is committing this evil act to—

By Judge Brown:

No, I don't think I made myself clear. I am just trying to get trying to understand your argument. If the statute or Constitution of Mississippi is attacked because unconstitutional and we assume further that it is something different from what was involved in Williams then don't you have to for this purpose concede that it is a matter for a three-judge court up to that part. I won't use the word concede but doesn't that follow?

By Mr. Allain:

No sir, I wouldn't say I would follow on that either. I would say that you would have to be a substantial constitutional question as to striking at the unconstitutionality of the act and not striking to the unconstitutionality of the action.

By Judge Brown:

What you are really asking us to do is hold that no relief should be granted because for the reasons you assert 244 as amended, let's not get 241 now, but 244 as amended is capable of lawful fair application and is therefore constitutional.

By Mr. Allain:

That's right.

By Judge Brown:

But that doesn't go to jurisdiction and that's this motion.

By Mr. Allain:

Well it goes to jurisdiction I would say it went to this three—

By Judge Brown:

Are you saying that the attack is so frivolous that it is patently without any foundation at all?

By Mr. Allain:

I am not saying the attack is so frivolous. I am saying that there is no substantial constitutional question for the mere fact that the Supreme Court of the United States has so held as to 244 and I was going to get into the other part to show that if 244, original 244 was constitutional it is merely built the amendment 244 as amended is really built [fol. 287] on 244 before the amendment and there will be no substantial—

By Judge Brown:

I can see a very vital distinction that I don't think was even touched in the Williams case when it was in the disjunctive it was a literacy test, it was an intelligence test, you either had to satisfy a literacy test or an intelligence test but now you have to do both.

By Mr. Allain:

That's right.

By Judge Brown:

And that's quite a different thing.

By Mr. Allain:

You are not adding the addition doesn't make it unconstitutional though it may be a little harder for someone to pass.

By Judge Brown:

It may see, that's the question.

By Mr. Allain:

In the Lasseter case they upheld read and write, read and write a section of the Constitution of North Carolina.

By Judge Brown:

That's a thing that's capable of mechanical ascertainment. That's a thing that's capable of mechanical ascertainment. An interpretation is not.

[fol. 288] By Mr. Allain:

Well, then let me ask you this. What do you mean by read and what do you mean by write. Let me say I am the registrar, I am the registrar in North Carolina, this is a valid law, all right, so you come to my office and a negro or a white person or anyone else says well I can read or write, all right I say you are white read this one section right here, you are colored you read this other section, they say read or write any section of North Carolina, they can give you any section. In other words suppose I do that does that strike down the whole constitutional provision because one man and if not one man then two men and if not two men then three men.

By Judge Brown:

I believe you have the very question that they had in Davis against Snell. I don't mean to say that Davis against Snell forecloses the problem but it presents the problem well. There is such an undefinable standard under the requirement of interpretation as to be unconstitutional and I don't think that's a frivolous question. I think you can make good arguments either way.

By Mr. Allain:

I think in the Snell case though you see there was no reasonable interpretation, it just said explanation, understand and explain and in the Snell case they go on to quote the very language out of the Snell case which said it didn't [fol. 289] say reasonable and they go on through their opinion which would lead you to believe that a reasonable interpretation, daily there are men sitting in this box over

here and this box over here must decide what—they must decide whether a man has been proven guilty beyond any doubt—what kind of doubt—beyond a reasonable doubt—when that goes to an appellate court what happens—they decide not whether there was some doubt in this man's mind but reasonable doubt. This Court right here makes those decisions on what is reasonable. That's all this statute is giving. Its giving to the registrar the right in his discretion to say you have given a reasonable interpretation. Now its not my interpretation—

By Judge Brown:

Isn't this the controlling law that a three-judge court must be convened and must hear a case and determine it unless the attack on the constitutionality is so patently frivolous that there is no question at all about the constitutionality or unconstitutionality of the statute?

By Mr. Allain:

That's true, sir, to this extent there is no substantial constitutional question, that's our theory,

By Judge Wisdom:

I think you are making a very effective argument, there is no question about that, but isn't it seems to me that the answer that the Government would give would be that is [fol. 290] why its necessary to determine the purpose of the statute and also how it in fact works out. For example, let's take Louisiana for example, the state I know more about. In 1890 there were 150,000 registered negroes and 150,000 registered whites. After the enactment of the grandfather clause within some few years it was cut down to just less than 1%, less than half of 1%. Now if we know too that the purpose of the grandfather clause and it seemed to be evident that the purpose of the interpretation clause is to simply substitute for the grandfather clause after it was held unconstitutional. Now if that is brought out and the legislative history and if it can be shown by legislative history and these statistics show that instead of having negroes voting as they used to you now don't have them voting at all to any extent in Mississippi and in some coun-

ties no negroes registered and others very few isn't that an answer to your question and doesn't it show that the whole thing was a device which was well understood to serve as a means of preventing negroes from getting on the rolls. That's a long question but that's what's on my mind.

By Mr. Allain:

All right sir, go back to what you are talking about legislative history and the——

By Judge Wisdom:

Now I agree with you that one or two registrars or six registrars would not necessarily prove it but perhaps these [fol. 291] other things would.

By Mr. Allain:

Well, let me address my remarks to the legislative history which was brought out in the Davis v. Snell. It was always my belief that the only reason you went back to look at the legislative history intent was not to declare it unconstitutional but was to try to sustain the constitutionality. Now in the Davis v. Snell it was necessary to go behind the act because they said this explain and understand as Judge Brown has pointed out could be interpreted could be something else, they said we want to hold this thing constitutional and when they went behind it to the legislative history they found out——

By Judge Wisdom:

I just want to interrupt briefly. No doubt that was one of the original justifications for going into legislative history but it seems to me we are long past that now and you go to legislative history not just to sustain constitutionality but to determine the intent of the statute and how it was meant to work.

By Mr. Allain:

Well sir, I would say in all deference to this Court I have not gone beyond that principle for the simple reason then we would get into another situation but I could bring——

By Judge Wisdom:

Take the Vermillion case. There is nothing wrong [fol. 292] with rezoning a city's election districts but the Supreme Court unquestionably determined that in its setting the purpose of the rezoning of Tuscaloosa was to gerrymander the negro voters out of Tuscaloosa.

By Mr. Allain:

Well sir, now in that case as you recall the act itself was (unable to understand counsel) the act itself gerrymandered. The act on its face setting up a twenty-eight sided area was so patent on its face that they felt that—

By Judge Wisdom:

Its like a great many other gerrymandered election districts which the Supreme Court never considered before but did in this case because it considered that it was a violation of the Fifteenth Amendment.

By Mr. Allain:

Well, let me say this in passing on that and I am speaking on general terms, lot of times they say good cases make bad lawsuits, but assume the State Legislature of Mississippi had—

By Judge Wisdom:

I thought you were right in that case, I went along with our Court in that case the Vermillion case but the Supreme Court reversed us.

By Mr. Allain:

Well sir, thats true on that. Let me get back to [fol. 293] legislative history. The Mississippi Legislature the other day a reapportionment. Well suppose someone comes in and challenges it and challenges it on this ground—I can prove by the witness stand that many legislators passed it for one reason only, you people of the press I am not accusing the legislature of doing this, but because of a selfish motive I got money for it or because somebody promised me something. That is conceived and evil—

By Judge Wisdom:

That's a different thing. That's a different thing. That's not a question how the statute was intended to work. That's going into the motive of the legislators who passed it but the other question legislative history to show how the statute was intended to operate is quite a different thing.

By Mr. Allain:

Sir, you could get into such a quagmire behind the legislative intent.

By Judge Wisdom:

They are doing it and the certainly the courts have doing it pretty regularly now.

By Mr. Allain:

Well sir, I still say we should adhere to the old principle the only time you would go back into that you would go back into it to attempt not to make a statute unconstitutional but a device originally started out to hold it constitutional.

[fol. 294] By Judge Wisdom:

Its hard to meet the argument that it should cut both ways.

By Mr. Allain:

Well sir, I was discussing 244, new 244, we still say the Supreme Court has spoke on old 244 even leaving the door open; we don't think that that application because see they have already said the legislative history was all right because that allegation was made. The only allegation that has been made here about 244 they said that on the face it was valid so it would have to be struck down because of the application and we have already discussed that. The second point as we see it—

By Judge Brown:

Of course Brotter against Gail was affirmed per curiam by the United States Supreme Court and it held a three-

judge case in Montgomery, Alabama that an inferior court was constitutionally permitted to determine today that a decision would no longer apply and what's the name Plessey against Ferguson Judge Lynn dissented on the ground that it was just a complete reversal by an inferior court of Plessey against Ferguson. Now I don't know, there is a substantial body of law building up now that we have the duty to look at this thing in the context of contemporary cases. I don't know where that would lead but it certainly [fol. 295] would lead to a narrow application on *sturstacus*—

By Mr. Allain:

Yes, it would.

By Judge Brown:

Of what Williams says.

By Mr. Allain:

It would lead to narrowing the case on *staratacibus* Over All. It would form a, in other words we lawyers take a case to the Supreme Court would settle very little if the Court in their mind say its changed and this Court as we cite in our brief and all courts certainly have held that and we cite the—

By Judge Brown:

But what do you do with 241a.

By Mr. Allain:

(Unable to understand counsel) Howard v. U. S. Fifth Circuit follows the rule as stated by the Supreme Court in what leaves in need of modification though to the court and that is uh—

By Judge Brown:

What do you say about 241a?

By Mr. Allain:

Well, let me just get back to 244 now and this is in our briefs the Darby case which was not a Georgia District Court which the Government tried to get this Court to [fol. 296] follow, it was this Court and under all principles of comity that this Court should not follow the Northern District but at least follow its own decisions. Now we realize its not the same panel but it is the same court.

By Judge Brown:

Its not the same parties.

By Mr. Allain:

Well principles of law (Unable to understand counsel as talking too low and too fast) I am not talking about res judicata. In comity and good administration of justice that this Court to follow what this Court said several years ago and it decided the constitutionality of 244. Now I would like to say this the Government has said that they had two or three different grounds, therefore this ground of constitutionality wasn't necessary but the Courts have held as we cited in our brief the Mississippi case the Woods case in which I think res judicata was one ground and the other was that the Erie Tompkins said that the state court doors were closed, they based that on two grounds, either one of them would have been out of Court and they said when you have two grounds in which there had been judicial facts and judicial argument and judicial eye and judicial determination then neither one of them is dictum or non dictum so the Darby case I say is controlling in that it was made by this Court, not this panel, and that therefore it [fol. 297] should be followed. Now addressing my remarks to 241a dealing with moral character Your Honor is well aware of the fact that the court takes notice or should look into its jurisdiction and this Court has a duty on its own an obligation to look to see whether or not they do need a three-judge panel. Whether or not there is a substantial question of constitutionality as to 241a. We did not argue it for the simple reason we do not feel, we feel it is a frivolous motion or contention to say that 241a is unconstitutional and we base it on this. Now we know moral character

to be a wide range of things. In every circuit I believe save and except maybe the Fifth Circuit there is a rule that a lawyer to practice before that court must be of good moral character. Now there is no definition about one divorce or one drunk or one speeding ticket. Its left up to the court to decide whether that man is of good moral character. If you try to get a job with the Government, Mr. Doar, Mr. Owen, their good moral character was looked into and who decided good moral character, no one went out there and said this and this and this you can't have a government job. They take everything together and look at it and say this man is of good moral character. Now we don't think that good moral character could really be defined by the legislature, the legislature say this is what we mean by good moral character. We say that it is a discretionary thing placed into the registrar and you can come into court and you can say well he turned me [fol. 298] down for good moral character, say he had a speeding ticket and they say that would not be against his good moral character. In other words its not an arbitrary thing which exists into that individual. I would like to further say, Your Honor, in the Lasseter case in the footnotes which was in the opinion you will find that the Mississippi laws governing the electorate are cited in there which seems to give approval that the Supreme Court even looking at them said look there are laws of nineteen of states that are similar to this one and therefore we are not going to strike down North Carolina—(unable to understand counsel)—or the Williams case has been cited on numerous occasions. Your Honor, I have here in my hand prepared by one of the attorneys in this case the following states and the District of Columbia require good moral character for licenses as a bar, voters, lawyers, dentists, doctors, they don't set out anything, they just say good moral character, they leave that to the board. You can go to a court or appeal it so we felt that the court on their own motion would say well our own lawyers work on the good moral character, our own federal — work on the good moral character, all the states have them for dentists, doctors, lawyers, horse doctors, everybody else, so we didn't even intend to go into that too far because we felt it was so on its face and everywhere else so that was a legitimate thing for us to—

[fol. 299] By Judge Brown:

Well, I return to the question that Judge Wisdom had put to you and here we know a little history first hand. Each one of these changes has followed right on the heels of a decision of a court, the Supreme Court, interposition resolutions, decisions of even the Fifth Circuit in some of the voter registration cases, statutes are amended almost immediately and everybody knows except the Judge that the reason they were amended was to meet the decision just announced in New Orleans.

By Mr. Allain:

Well, sir, your are assuming that everybody knew that.

By Judge Brown:

Well, I think they did. I don't think there is much doubt about it, they may not know it judicially, I may not know it finally as a judge but we all know that, it just was too much of a coincidence for it to have happened out of just thin air. Now are those circumstances not relevant to the determination of the legislative purpose and hence its interpretation and its reasonableness if for example you have found a mechanism which has all the appearance of an absolutely fair provision but it is enacted at the very moment a crisis has been precipitated by a judicial judgment can not the Court look at that circumstance to determine what the purpose of the legislature was.

[fol. 300] By Mr. Allain:

Well sir, I say this in deference to Judge Wisdom who seems to think that you should go back into that you are changing the law to such an extent to where are we going to stop, we are dealing with human rights and not property rights and I abide by that too, but if you do it in this case——

By Judge Wisdom:

Well, the Supreme Court did it in property rights in the Grossier case when they looked into the, of course it was the right of free speech part of that too, but on its face

it was property rights the question of taxing the Times Picayune because the Times Picayune was attacking Huey Long.

By Mr. Allain:

Sir, you have got me at a disadvantage.

By Judge Wisdom:

I have and I am overstating the case and oversimplifying it besides and sometimes we do that so you will have to excuse me.

By Mr. Allain:

I would say if the Court is going to go into the legislative history not to make this act constitutional, not if its ambiguous on its face, but to go away from their old rule of jurisprudence then Judge Wisdom you are correct, but I say if this Court does that you will be going down such a long dark road you will never be able to turn away from it.

[fol. 301] By Judge Wisdom:

Do you know the reason why the rule used to be that you couldn't go into the legislative history because the English and it was derived from the English system because the English considered that all sessions of Parliament were executive and therefore they couldn't break the privilege. That's the only reason for not going into the legislative history.

By Mr. Allain:

I thought it was because they just never could tell—

By Judge Wisdom:

No, I think that may be part of it, but I believe the other is the actual reason for it.

By Mr. Allain:

If the Court please, I would like to say one thing about the grandfather clause which we find here differentiated

from the Gwenn or the Lane-Wilson to this extent that there is nothing in here that says if your grandfather registered or immediate descendants therefrom, in other words these people before 1954 negroes and whites they say 20,000 negroes were registered before 1954 they have earned the right to vote and register under the old law. Now the legislature really looked at two things probably, should we disfranchise everybody that have earned that right in order to upgrade our electors, they had to have some cut off there, [fol. 302] they are not saying just because your grandfather earned the right some years ago as they did in Oklahoma, they are saying because you as an individual went in there and you earned that right to register and vote and that's the cut off date and another thing I doubt if it would pass if a lot of good people in Mississippi felt that they were going to have to go back in and reregister under a condition which they felt was an upgrading of the electors, old folks, maybe my parents or somebody else's in here parents, old people felt that they couldn't do that so it was legislative necessary if we are ever going to upgrade the electorate in Mississippi then we have got to have a cut off date and we are not giving these people anything, we are not saying because of your grandfather like they did in Oklahoma, you don't have to take it, we say you earned that right prior to 1954 and we are not going to take it away from you. Your Honor, we say that the grandfather clause or what they call the grandfather clause is actually not a grandfather clause, its a — clause, you have already earned that right and you don't have to take this other test and we think it is distinguishable from the Lane-Wilson—(unable to understand counsel because talking too fast)—when the Oklahoma law was that a negro could not even register so we do not think that there is any grandfather clause business in this particular case to that extent so we submit to the Court that there is no substantial constitutional question based on the Williams case, based on the Darby case which this court has decided and as to moral character we feel on its face it is so—

By Judge Brown:

Well, I certainly would say this about the Darby case it certainly is deserving of the most careful consideration. I understand, I seem to recall that that was not appealed.

By Mr. Allain:

No sir.

By Judge Brown:

Now that doesn't mean that a court decision is any less valid because it wasn't appealed. Its pretty good proof that the people thought it was pretty good but since the United States is sovereign under a statute of Congress, at least that's one of the questions, is carrying out a statutory duty to test it of the fact that it was not appealed I think at least relieves the Court of any embarrassment over a serious reconsideration of the problem. Otherwise for the Southern District of Mississippi the law of Darby would be the law of the *would be the law of the* Meads and Persians. It could never be questioned by nobody see.

By Mr. Allain:

Well, an appeal could be taken from this Court if this Court so found the same way an appeal could be taken if this was a proper panel of three judges and therefore should have sat as three judges. They have that what you are [fol. 304] talking about that appeal direct to the United States Supreme Court which you said to Mr. Drake was one of the things Congress had intended so it could be tested and we are not the Government many times urges upon this Court and other Courts that the Alabama District Courts are to be followed, the Alabama District Court or the Louisiana District Court has spoken. We are not saying that. We are not even saying go beyond Jackson up here and say follow Judge Clayton, we are saying follow this Court, their own decision. Are there any more questions?

By Judge Brown:

I believe that's fine. You made a very good argument.

By Mr. Allain:

Thank you.

By Mr. Wells:

If the Court please, may I make just one observation in regard to one question Judge Wisdom asked about 241a the good moral character just to leave this with the Court. To assume any phase of even the atmosphere in which it was passed that 241a was passed to prohibit negroes from voting the good moral character must of necessity carry with it another presumption that the great majority of those negroes who are not now registered are not of good moral character and we don't feel that way and we hope the Government is not taking that position because we don't think that applies to our Mississippi negroes.

[fol. 305] By Judge Brown:

I don't read the complaint that way. I think as I interpret it this is a means almost an undiscoverable means by which discrimination in fact under the guise of law can occur and of course that would be a question that the Court would have to determine on facts.

(At 11:59 A.M. Court recessed until 1:30 P.M. for lunch.)

By Judge Brown:

Are you ready to proceed with the argument I believe now to these two motions?

By Mr. Doar:

If the Court please the position of the defendants first was that 1971a does not authorize the United States to challenge the constitutionality of these statutes. Our position is that this goes to the power of the Court and that in the case of Lane v. Wilson, in the case of Davis v. Snell and in the Mississippi case in which this court ruled in the case of Darby v. Daniels in each one of these cases statutes were challenged as being unconstitutional by private citizens. Now in 1957 the United States Congress authorized the United States to bring these actions to en-

force Fifteenth Amendment rights. Our position is that we have the same right as a private citizen would have to challenge these statutes and that there is ample precedent for such challenge in the courts including this Court in [fol. 306] *Darby v. Daniels*. The next contention that was made by the next motion—

By Judge Wisdom:

Before you leave that you say the same right as a private citizen but you also take the position that under the 1957 act you are specifically authorized.

By Mr. Doar:

Yes sir, specifically authorized by the 1957 Civil Rights Act and the courts, the Supreme Court in the *Raines* case spoke of the United States enforcing of there being a great public interest and the United States taking the—

By Judge Wisdom:

As guardian of the national interest.

By Mr. Doar:

That's right.

By Judge Brown:

Its kind of awkward to ask you what your opponent is contending but I had some difficulty and I still do and I want to see if you can answer what you think his argument is. Subsection c clearly gives the Government the right to file suits to enforce subsection a.

By Mr. Doar:

That's right sir.

By Judge Brown:

Now I first thought he was arguing it was really not an a suit. Now in what respect is it not a section a suit. [fol. 307] apart from the question whether to vote means also to register.

By Mr. Doar:

If I understand the defendants' contention correctly this is not an a suit because all of the officials we have alleged if they violated the statute acted wrongfully and outside of the scope of the statute and that we would have a right to stop that but we wouldn't have a right to challenge the statute in and of itself under a. Maybe I don't understand it either but that's what I gathered was his contention.

By Judge Brown:

Well now when it comes to showing say within the Williams case or YickWo or others a practice that is actually unconstitutional how far do think you have to go in making everybody who acts for the state how far do you have to go in showing that everybody acting for the state actually partakes or participates in such illegal actions or to put it another way how far can you go in merely showing that say here six registrars are engaged in it as hearing upon whether this is a sufficient showing of unconstitutional practices?

By Mr. Doar:

Well, I don't think you have to show that every registrar in the state was using this statute to have it declared unconstitutional. After all in Davis v. Snell they only went into the practices of one registrar in Mobile County I believe. In Darby v. Daniels although the proof wasn't [fol. 308] sufficient the proof only involved one registrar. We take the position that we will prove more than that, how much more we should prove or must prove depends I think on the type of proof that's offered. We would statistically we would show the statistical registration figures throughout the state. The fact that the statutes were being used, not how they were being used, but just the fact that they were actually being used we would show that throughout the state by means of admissions or interrogatories. The fact that the statute was being used discriminatorily we would show that through a number of specific examples that we though would highlight the practices and then see what the defendants did by way of counterproof, if any, with respect to practices throughout the entire state. That

would be the way we would contemplate presenting the case to the Court on the trial on the merits. Now moving on to the arguments that were made just before lunch that new Section 244 is barred by the Darby case and the second contention that old 244 is barred by the Williams case and the third contention that the good moral character qualifications while not barred by any particular case is so frivolous that it should not merit the court's attention in any way it seems to me that what the defendants are arguing, if the Court please, is that these contentions are so frivolous that this Three-Judge Court should just close the door and not let us get in to have our day in court and its not that we are [fol. 309] wrong, it goes much farther than that. Its that they are asking this Court now to rule that we shouldn't have an opportunity to lay the facts before this Court to enable it to decide whether or not these statutes do or do not violate the Fifteenth Amendment. Now what is the basis for their argument with respect to new 244? They argue its based upon Darby and that was a decision by this Court, but there are several very clear distinguishing factors in respect to Darby v. Daniels particularly when you consider it in the light of barring the door to another litigant who was not a party to that case to come into court to present the proof. The first thing is of course we are not the same parties: The second thing in that case the Court very clearly said that there was no showing that there had been any discriminatory use of the statute whatsoever, that there had been a failure of proof by that particular plaintiff in that case. In the third place—

By Judge Brown:

Of course it does, it did rule on the face of the statute it was valid, I mean on the face of 244.

By Mr. Doar:

Yes, but it didn't face the question of whether or not a showing of discriminatory use would be relevant on the purpose of the statute as being a device to discriminate against negroes contrary to the Fifteenth Amendment. In the third place at the time that this Court decided that [fol. 310] decision the Court didn't have the benefit of the

Supreme Court decision in the Lasseter case and in the Lasseter case which was decided the following year they never discussed any mere literacy test there were a number of things in that case that are very significant. First, the Court said that a literacy test may be unconstitutional on its face and they quoted *Davis v. Snell* in which they said the test was the citizen's ability to understand and explain; the legislative setting of that provision and the great discretion vested in the registrar made clear that a literacy test was merely a device to make racial discrimination easy. Now the Court its argued here that with great feeling that in Alabama that the test was to the satisfaction of the registrar and here its a reasonable interpretation and yet in *Darby v. Daniels* this Court didn't say anything about looking at particular applications to see if the statute was reasonable because it said very clearly here that when they were talking about actual discrimination and I am quoting although some of the written applications exhibited in connection with the testimony were sufficient to raise an issue of fact, it is not our province to set ourselves up as the registrar voters. Furthermore in the last sentence of *Lasseter* versus this Court said that they were called upon, any court is called upon to determine whether the particular test used is a fair way of determining whether a person is literate or whether or not its a calculated scheme to lay [fol. 311] springs for the citizen. Now we submit that we should have that opportunity to have this Court make that determination. Finally, if the Court please, the freezing argument was not even considered in *Darby v. Daniels*. Now-the freezing argument, Your Honor, is that a state where all of one particular race or a great percentage of one particular race is on the rolls during a period where there has been shown to have been racial discrimination against the other race that particular state is powerless to raise its standards and in effect freeze off people who of the minority race or the race against whom discrimination had been practiced by means of higher standards.

By Judge Brown:

In other words you have to continue the inequality until they get equal.

By Mr. Doar:

That is right.

By Judge Cox:

Well exactly you are asking that the same low standard be continued to be applied.

By Mr. Doar:

That's right, we are asking there is another alternative perhaps, but if the state insists that these people who got on the rolls during a period when low or no standards were applied if the state insists that those people stay on the rolls then the same low standard applies.

[fol. 312] By Judge Brown:

That is one of the serious questions in the case?

By Mr. Doar:

That's right, but that freeze point, Your Honor, certainly—

By Judge Wisdom:

I had difficulty with that question because it might even mean that the registrars would have to continue we will say to violate the law if they continue the same low standard, let us say not really low standard, in many cases not necessarily low standards, but let's say assistance when they are not supposed to give assistance. Then what happens when a state adopts a new requirement? In effect the whites are already frozen in so does that mean that they could never have a new requirement unless it wiped the slate clean and started with a fresh registration?

By Mr. Doar:

I don't think, Your Honor, you can have a new test unless you wipe the slate clean if its shown that those people got on the roll when there are discrimination against negroes, I just don't think you can do it under the Fifteenth Amendment, and the reason is as the Court has said over

and over again taking Lasseter a literacy test, a read and write test fair on its face.

[fol. 313] By Judge Brown:

Does that go to constitutionality of the statute or a violation of the civil rights voting statutes. The reason I put it that way is to determine what kind of a court would hear that case.

By Mr. Doar:

Well, I think we have a statute that is applied throughout the state that the legal theory that this statute is unconstitutional because it in effect freezes inequities on the roll goes to a three-judge court and I do believe the statute is unconstitutional for that reason.

By Judge Wisdom:

We have had some cases that come awful close to it. Dogan, of course, was not a statute but a let us say regulation by the registrar requiring new applicants to see him which had the effect of applying only to negroes, is that correct?

By Mr. Doar:

That's true.

By Judge Wisdom:

Now then we have got a couple of other cases that have been close.

By Mr. Doar:

The other cases are the school cases.

By Judge Wisdom:

You had that school case Ross against Dyer.

[fol. 314] By Mr. Doar:

Ross against Dyer that brother sister that new statute the new rule was applied equally to both races.

By Judge Wisdom:

Suppose that the legislature adopted say for the sake of argument a regulation or a statute requiring as a qualification that everyone have a third grade education. Would that fall within your order or category of unconstitutional statutes because it would in effect not apply to whites?

By Mr. Doar:

This would depend upon a showing of whether or not under the circumstances as existed in the state that was a more onerous requirement for new people and whether or not the state was responsible in any way for that, in other words—

By Judge Brown:

In other words your basic theory is you can do two things; you can show that a statute ostensibly valid on its face is being administered in such a way as to be unconstitutional or you can sort of build a brandized type record if I might use that expression to show the facts which indicate why the statute is for discrimination on its face because of the peculiar setting in which it is applied.

By Mr. Doar:

That's right.

[fol. 315] By Judge Brown:

You don't need judges to imagine why it has discriminatory potentialities.

By Mr. Doar:

No, we do not. It's all a matter of evidence and proof.

By Judge Wisdom:

In effect the permanent registration though itself has the effect of freezing because it accepts those who are on the registration rolls at the time a permanent registration law goes into effect. It does not accept those who are not of course so they are exposed to the test of permanent registration.

By Mr. Doar:

Yes, but there isn't anything that says that the state has to do it that a way and the state when they start permanent registration or require new standards could have reregistration.

By Judge Wisdom:

That may be an answer.

By Mr. Doar:

As a matter of fact in Louisiana to take an example in that particular state where there was permanent registration when they used the constitutional interpretation test before they used it we were able to show in Louisiana that a purge of the rolls of negroes that were on the rolls was [fol. 316] carried out in fifteen or sixteen counties so that the state not only raised the standards but set it up so all the negroes were off the rolls before they started requiring new tests. Now our contention in that case was that was sufficient proof to justify a declaration the statute being unconstitutional for the two reasons that you have outlined. Now it may be that we would have a failure of proof in this case.

By Judge Brown:

It seems to me, Mr. Doar, that you are getting close now to the question of the desirability of trying to chop the case up into two phases and that seems to me to be the subject of the next motion and do you think it would be appropriate then for you, do you think you have about finished on these two.

By Mr. Doar:

Yes. The only—

By Judge Wisdom:

You haven't discussed Williams. I would like to hear what you have to say about Williams.

By Mr. Doar:

I will be glad to discuss Williams.

By Judge Wisdom:

Not too long, I don't want you to go overboard and make a production out of it but briefly.

By Mr. Doar:

Briefly, Your Honor, there was no showing in Williams [fol. 317] that there was any actual evil use. That's the distinction we would make in that case. We would show how that particular statute has been used and that's the distinction we make between why we are not bound by the Williams case with respect to old 244. Furthermore, with respect to some of the statutes in the Mississippi Constitution we claim that as long as we have standing under the Fifteenth Amendment that to require a person to read some of these to be registered where they have some technical legal or latin terms is unconstitutional under the Fourteenth Amendment.

By Judge Wisdom:

Well it seems to me it might even be unconstitutional on its face if an applicant were required to interpret, for example, some provision saying that the court has power to issue writs of certiorari.

By Mr. Doar:

Well the Williams case didn't decide on interpretation. The Williams case was an alternative either read or interpret. Now certainly for the where states have the requirement of just reading the—

By Judge Brown:

That's a literacy test.

By Mr. Doar:

A literacy test the fact that they provide some alternative for the illiterate seems reasonable.

[fol. 318] By Judge Wisdom:

No, that's a fairly reasonable test that would seem to me.

By Judge Brown:

They might have trouble with peraditiments or actions in — taken or whatever they do in Louisiana.

By Mr. Doar:

Well if that was the situation with respect to illiterates I think that might could properly be cured by a one-judge court. The last thing was the section the good moral character and we have challenged that again on the theory that this is an elevation of the standards particularly because of the fact there is no objective standards for persons to—

By Judge Brown:

You think if the Court brings in that the qualification of reasonableness, reasonably good moral character that that saves it or that the registrar is to act reasonably does that save it?

By Mr. Doar:

No, I do not. I say respectfully that we have a very difficult situation. We will be able to show to the Court a situation in Mississippi where it's practically impossible for a registrar to have any subjective standard in determining the qualification of voters.

[fol. 319] By Judge Wisdom:

Are you saying subjective or objective?

By Mr. Doar:

Objective at the present time under the present circumstances. That's all that I have to say on those, sir.

ORAL ARGUMENT ON MOTIONS OF INDIVIDUAL CLERKS FOR
SEVERANCE AND CHANGE OF VENUE

By Judge Brown:

All right, thank you. Now this comes into Number 5 and Mr. Wells are Number 5 and 6 to be separately argued?

By Mr. Wells:

If the Court please, Number 5 Mr. Burgin just wants to make one statement with reference to the severance on behalf of these individual registrars, but he does want to argue this motion to strike or to dismiss the third claim of the complaint which has to do with a statute that our position is is not in conflict with anything and then on the motion for separate trial I will attempt to cover it. Mr. Burgin will just want a little time on that. That's a motion actually to strike or motion to dismiss as to the third claim of the complaint on the basis that the statute under attack is not in conflict with anything.

By Judge Cox:

How is that captioned, Mr. Wells?

By Mr. Wells:

If the Court please, that is I think Number 3 Motion on Behalf of All——

[fol. 320] By Judge Cox:

Motion of all Defendants.

By Mr. Wells:

Yes sir, Number 3.

By Judge Cox:

We have taken up 3 Motion of All Defendants. We had an extensive discussion on that one.

By Mr. Wells:

Let's see, if the Court please, I think it was 4 that we took up. Number 3, if the Court please, is to dismiss the third claim that doesn't state a claim of action.

By Judge Cox:

That's my Number 3. I have them a little bit different than you do, captioned Motion of all Defendants.

By Judge Brown:

Now then this motion of defendant W. R. Holmes for severance, motion of defendant W. R. Holmes for separate trial of any allegation which may be alleged in the complaint illegal or discriminatory application; separate motions of the defendants Easley, Smith, Turner, Lamb and Wiggins.

By Mr. Wells:

If the Court please those were prepared by local counsel and that's the reason they are not all included in one.

By Judge Brown:

Are those the ones we are now discussing?

[fol. 321] By Mr. Wells:

Yes sir.

By Judge Brown:

All right, I just wanted to get it clear.

By Mr. Burgin:

May it please the Court, with respect to the motion for individual registrars for severance and changes of venue I would like to say that while I don't care to argue them in detail at this time particularly in view of the evident intention on the part of the State to not press the motion to dismiss on behalf of the State at this time that should the State stay in of course the venue so far as these individual registrars would be sufficient in the Southern District of Mississippi.

By Judge Brown:

Well now I didn't understand Mr. Wells to say what precedent, what he did was suggest with the approval of the Court and counsel that it be carried along with the case because it goes to the merits of the case. In any case it is being carried along with the case.

By Mr. Burgin:

And in view of that situation where the motion for a change of venue is thereby effected we would like for the Court to consider the motion on behalf of the individual registrars for a severance to be in effect a motion for [fol. 322] separate trials of any allegations of discrimination by them in the application of the constitutional and statutory provisions of this State.

By Judge Brown:

Well, now what's to be gained by that assuming that the same three judges were to hear the case.

By Mr. Burgin:

Your Honor, its simply is this that this case as we see it falls into two categories as Mr. Wells will discuss with respect to the course of the trial that the first question is are these constitutional sections and statutes in violation of the Fifteenth Amendment on their face in which event they fall of their own weight or secondly are they unconstitutional because of the discriminatory manner in which they are applied by the defendant registrars.

By Judge Brown:

Then you add to that third one that the proof evidence may show why they are unconstitutional.

By Mr. Burgin:

Well sir, to be frank—

By Judge Brown:

That's their theory, I don't know whether its any good or not.

By Mr. Burgin:

Its their theory with which we heartily disagree sir, [fol. 323] but I would like to point out to the Court that if their complaint falls into those two categories and those two questions are prohibited as we believe it to be that the question as to whether the constitutionality whether these sections are constitutional on their face should be first decided and then go into the question of discriminatory application by the individual registrars and in that respect I would like to point out to the Court that each one of the defendant registrars are separate, independent and have no connection with each other.

By Judge Brown:

But aren't they all agents of the Board of Registration?

By Mr. Burgin:

No sir, they are not.

By Judge Brown:

What's this State Board called that's made up of the Governor?

By Mr. Burgin:

The State Board of Election Commissioners. The Circuit Clerks are elected by the people in each county and the statute provides that the Circuit Clerk shall be the Registrar or shall be appointed as the Registrar by the State Board of Election Commissioners unless he should be unfit and he therefore acts as registrar by statute by virtue of [fol. 324] his election as Circuit Clerk in Lowndes County or Coahoma County or whatever county he is in and he is thereby the registrar and he is the man that applies the tests which are here under attack. Now if those tests are constitutional on their face as we submit that they are then you have got an individual case or question with respect to any one of these defendant registrars has in fact discriminated against negroes in the application of that test.

By Judge Brown:

One of the defendants is the State of Mississippi.

By Mr. Burgin:

Sir?

By Judge Brown:

One of the defendants is the State of Mississippi and the acts of six whether they were in concert or individually might well be good evidence of illegal action on the part of the State.

By Mr. Burgin:

Your Honor, we submit that evidence as to an illegal or discriminatory act on the part of one of these registrars would certainly not be admissible to prove discrimination on the part of any one of the other five and that the ends of justice would indicate and require that if the case is broken into those two sections that a severance or separate trials as to the issue against the individual registrars should [fol. 325] be granted because these registrars have other duties and other vital and important duties to perform in their respective counties. As I am sure the members of this Court know they are Clerks of the Circuit Court and the proper conduct of the judicial processes of the Circuit Courts which is a court of general trial jurisdiction other than equity.

By Judge Brown:

But these judges also have some other duties to perform. I can't see the sense of a trial before the Court without a jury that has to hear substantially a repetition of evidence six different times when its a question of whether it contaminates us. Now if its going to contaminate us then its going to contaminate us whether we hear them during six separate weeks or hear them in one series of trials.

By Mr. Burgin:

Your Honor, we submit that under Rule 42b that it is within the sound discretion of this Court to grant separate trials where undue hardship and injustice might result.

By Judge Wisdom:

Excuse me. Does the Central Board of Elections have any authority over the registrars once they are elected?

By Mr. Burgin:

They do not sir.

By Judge Wisdom:

No such things as regulations uniform for the state?

[fol. 326] By Mr. Burgin:

The statute provides that the State Board of Election Commissioners shall adopt a standard form of application and the statute prescribes the form and what it shall contain. They adopt that and distribute it, but they have no supervision or control whatsoever over the manner in which any individual registrar interprets or administers the test that's set forth in that application. They have no control whatsoever over the what he does with the application after it is taken.

By Judge Wisdom.

So that in effect each registrar determines for himself the extent to which he is complying with the statute.

By Mr. Burgin:

Your Honor, I would think that each registrar having taken an oath to abide by the laws of the State——

By Judge Wisdom:

No, no, I mean to say that they have no authority over the registrar to see whether or not in fact he is complying.

By Mr. Burgin:

Very definitely, sir, there is an authority. The County Board of Election Commissioners hears appeals de novo from any adverse decision that may be taken by any applicant from the county registrar.

[fol. 327] By Judge Wisdom:

Maybe I didn't make my question plain. There is no central state authority?

By Mr. Burgin:

No sir, and then should the County Election Commissioners fail to satisfy either party they appeal to the courts, so we feel very definitely that to require these registrars particularly from the Northern District to come down here and sit for the long period of time that I personally anticipate that a trial of this case on the merits will take if all of them are left in here—

By Judge Brown:

Of course the Court has great flexibility I think in meeting that practical problem and I think it ought to by establishing ground rules when the case gets started saying that with respect to the individual actions these registrars they would be taken up in this order and no evidence will be allowed during the absence of the other five while one is on trial. Its done in condemnation cases, its done in a lots of ways.

By Mr. Burgin:

Your Honor, to the extent that that testimony is admitted into the same case without objection we think that might present a serious question.

[fol. 328] By Judge Brown:

I can't see how it would be a problem and I can't understand why we should come back and listen to six different cases six different times when we can hear them at one time.

By Mr. Burgin:

I might offer one example and that would be simply this that no testimony with respect to what took place in Coahoma County would be admissible against the Clerk in Lowndes County.

By Judge Wisdom:

But it might all be admissible to show how the statute operates.

By Mr. Burgin:

Your Honor, that would be on your first question.

By Judge Brown:

Unfortunately, there are a lot of cases in this case and that's just the nature of our life today.

By Mr. Burgin:

And that, sir, is our suggestion by this motion that in order to prevent undue delay and inconvenience and expense and harassment to the witnesses and to the parties who have important duties to perform that it be broken down into the separate cases that it contains for the best benefit of all parties involved and to avoid delay in disposing of it. I didn't mean frankly to take that much time on that question.

[fol. 329] By Judge Brown:

Well, we done it for you.

By Mr. Burgin:

Now it is a matter that my individual client who is a man up there trying to make a living feels very strongly about. He doesn't have the time or the money or the finances to come down here and go into a lengthy thing when he is not personally involved except to one portion of it.

By Judge Wisdom:

I should think the lawyers would be able to work out that that would avoid the necessity—

By Judge Brown:

I think your point is a very valid one in terms of practical equities of the thing and the Court must take whatever steps

the development of the case indicates to see that there is not undue hardship and expense or interference with these officials of the State and the County Government, but I agree with Judge Wisdom I think that when we get to that point that through a pre-trial or similar mechanism a way can be found that will not prejudice your people and will not impose as I am sure you don't want to impose an unnecessary added trial on the Court.

**ORAL ARGUMENT ON DEFENDANTS' MOTION TO DISMISS THE
THIRD CLAIM FOR FAILURE TO STATE A CAUSE OF ACTION**

By Mr. Burgin:

With the Court's permission I would like to consider very briefly the defendants motion to dismiss the third claim [fol. 330] for failure to state a cause of action. I feel certain that the Court is familiar with the third claim but briefly stated it sets forth that in 1955 the Mississippi Legislature pursuant to Section 244 passed a statute specifying that the election commissioners should adopt a written application from for to be used by applicants for registration and that a part of that section adopted in 1955 as Section 3209.6 of the Mississippi Code required that the written application of the applicant be retained as a permanent record. Subsequently on April 15th of 1960 the Legislature of the State of Mississippi amended that section and it deleted the sentence that required that the application be kept as a permanent record and adopted a provision which provides provided that if no appeal be taken from the either of the registration of the applicant or the rejection of that applicant that after the appeal has expired that the registrar is not required to retain or preserve the application. Now in the third claim of this bill the plaintiff seeks to have this Court adjudicate that amendment to the statute to be in violation or contrary and in conflict with Section 1974 of the Civil Rights Act which was not passed until the 8th of May, 1960, some three weeks after the Mississippi Legislature amended its policy.

By Judge Brown:

Now are you saying that the Mississippi statute is so palpably unconstitutional that a claim that there is a

[fol. 331] serious question which lies at the threshold of a three-judge case is simple and frivolous?

By Mr. Burgin:

I am by no means saying that, Your Honor. I am saying that the statute is evidence on its face that it is permissive only. It does not authorize or direct the destruction of any application by any clerk and is simply declaratory of the policy of the State of Mississippi that so far as the State is concerned its not necessary to maintain these registration applications on file.

By Judge Brown:

Does Article 6 of the Constitution permit the State of Mississippi to say that those records which the Congress says must be maintained need not necessarily be maintained?

By Mr. Burgin:

No sir, but Article 6 of the Federal Constitution as we interpret it sir does not require the State of Mississippi to anticipate what laws are going to be passed in the future by the Congress of the United States and we certainly while we question the authority of the Congress as in 1974 or Title 3 of the Civil Rights Act to impost a duty on a state official still we do not question the efficacy of the Title 3 in the record keeping portion.

By Judge Wisdom:

Now let me, I am not sure I understand you. Certainly [fol. 332] that would indicate or might indicate the constitutionality of the Mississippi statute or rather the lack of conflict with the supremacy clause prior to the adoption of the Civil Rights Act. After the adoption of the civil rights act there is no question in your mind now the registrars must keep those records.

By Mr. Burgin:

There is no question to the extent required by Title 3 of the civil rights act they must keep those records.

By Judge Wisdom:

That's correct. That's what I wanted to get clear in my mind because I was not sure whether you thought whether your argument was having been adopted at a time when there was no conflict—

By Mr. Burgin:

To that extent no, but we do take the position that the State of Mississippi has the right to announce state policy that its not necessary to retain those records which of course was subsequently effected by the passage of the civil rights act and now they have to keep certain records for 22 months.

By Judge Brown:

Now you speak for these six, but here's a general statute applies to all the registrars throughout the state and it seems to me what you are saying is a strong indication that really there is no real difference between the defendants and the plaintiff on this statute. You both agree to the [fol. 333] extent that the federal statute covers is supreme and I think that since there are registrars who are not parties that the government would be entitled to a declaration at lease that that is so.

By Mr. Burgin:

May it please the Court, I would like to point out in this third claim they ask this court to declare that section to be unconstitutional in its entirety. They don't limit it. They seek to, they say that the purpose of the statute was to frustrate federal protection in Mississippi.

By Judge Brown:

Well, there again they say in their complaint and you objected because they gave you too much information but it was enough to indicate to us that they are going to prove that at the very time the Congress was considering the Civil Rights Act of 1957 this law was passed in Mississippi. Now maybe its just a coincidence; maybe it was done in anticipation. If that's so then maybe that presents a different question.

By Mr. Burgin:

We submit this, sir, that the fact as to whether these records after the 22 month period expires that's required to be kept by the Civil Rights Act may be destroyed because the policy of the State of Mississippi is that it has no objection to them being destroyed, cannot violate Section 1971a which deals with the right to vote because the ap-[fol. 334] plications have already been approved or rejected and the time of appeal has expired and the 22 months has expired and yet he wants the plaintiff comes in here and asks this court to strike down the valid declaration of the State as to its policy with respect to keeping these applications even though—

By Judge Brown:

The longer you talk the more convincing you make it to me that there is a real problem here about the extent to which there is any conflict. Now if there is a real problem it necessarily poses a constitutional question because of the supremacy clause then there is a need for a determination by a three-judge court and it has to be done not on a motion to dismiss that you make but on the hearing on the merits. We may well agree with you but I don't think we can do so at the present time.

By Mr. Burgin:

Your Honor, our position is simply this that we fail to see any conflict as a matter of law between a permissive state statute which admittedly is subsequently affected by passage of a federal statute to a certain extent but that the relief sought here under this complaint is not authorized and is not a proper subject for the three-judge court. That simply is our position on it, sir.

By Judge Brown:

Now I want to ask the Government if they think it [fol. 335] would be better to wait their response until after we hear from Mr. Wells on the last motion.

By Mr. Doar:

Yes sir.

By Judge Brown:

Does that meet with your approval too, Mr. Wells? We will hear now Number 6 is a motion for separate trial of claim headed Motion of Defendants for Separate Trial of Claims.

By Mr. Wells:

If the Court please, before I go into that motion if I may clarify what seems to be some confusion in connection with this third claim of a possibility of a problem. The position that we take on that is this on that third claim that there is no conflict between that state statute and any part of the civil rights act because prior to April, prior to April of '60 these applications had to do with all elections both state, federal and all and they had to be kept as a permanent record forever. The legislature came along and said you don't have to keep them permanently, you have got to keep them until that man's right of appeal is over and if he has not taken an appeal within the time then you don't have to keep them. Of course if he does you do. Now following that later on the civil rights act was passed in which the Congress said to all registrars all data pertaining to any federal election you must keep for 22 months. [fol. 336] There is no contention whatsoever by anybody in Mississippi that that act of Congress isn't binding on every registrar in Mississippi and that the act in the State Legislature gives him no such authority to violate that act and no attempt made to do it.

By Judge Brown:

This may well be one that could go off on summary judgment.

By Mr. Wells:

And I just wanted to make that plain there is no conflict and no contention has got anything to do with that.

By Judge Brown:

My difference with Mr. Burgin during his argument was purely on procedure, here is a motion to dismiss, I think its quite different.

ORAL ARGUMENT ON DEFENDANTS' MOTION FOR SEPARATE
TRIAL OF CLAIM

By Mr. Wells:

Now going, if the Court please, to our motion for separate trials as this Court well knows that under Rule 42b the question of separate trials is a matter in the sound discretion of the Court. Rule 42a provides for the consolidation of certain matters that perhaps could not have been consolidated before 42a. 42b provides the situation to separate these claims for the convenience of the Court in order to eliminate prejudice and in the orderly administration of justice and I think that probably the language that is used in the brief that was filed in the Collins v. [fol. 337] Metro Goldwyn pictures fits this situation best. When the natural course of trial indicates that one claim can be disposed of quickly and summarily while the other will require considerable trial separation should be possible except when those facts when they are so intrinsically interwoven that they can't be separated. Now let's see what the picture is here, if the Court please. We have got on the one hand the Government saying that two or three sections or two present sections under the Mississippi Constitution and if we include 244 before it was amended three and a package of statutes were conceived in sin, that the climate surrounding their passage was such and the language of the sections themselves is such as to make them unconstitutional on their face and that they propose to present to this Court certain evidence to show the circumstances under which they were passed, the climate existing when they were passed, so that this Court can say that this section, this section and this section is unconstitutional on its face because of the climate in which it was passed and because in some of the statutes as they claim because of the language being so loose and they say the statutes themselves are unconstitutional on their face. Now that presents one problem. That presents some evidence to show what the climate was. This Court might well hold that this section is unconstitutional on its face, this one is not. This statute is unconstitutional on its face because it shows [fol. 338] that it was conceived and passed in sin; this one not. Should the Court do that then we move next to the

Government's claim that these which the Court have said are constitutional on their face the Government says then let us present to you another type of proof showing how they are administered to show that they are unconstitutional by virtue of their application. The Court would then be in a position to limit and define the proof and say all right we have said this section or this statute is unconstitutional on its face so we want to hear no evidence about its application because its out the window. In other words the Court can control this evidence whereas if you lump it together on the question of the evidence about the climate in which it was passed to determine first is it unconstitutional on its face then go into its application and dovetail in we get into a myriad of testimony. If the Government succeeds, if the Court please, in its proposition that these sections of the Mississippi Constitution and these statutes of which they complain are unconstitutional on their face because not only of their wording but because of the climate in which they were passed the lawsuit is over and you don't need all of this evidence about the application. The whole thing is out the window so we say that for the convenience of this Court and in order to not bring about a confused situation that the Court would be warranted and it would be the proper procedure and it would be helpful to keep [fol. 339] these issues in their proper perspective that this Court would say we are going to have a trial on the matter of the constitutionality of these statutes on their face and we will receive from you the evidence to show the background of how they were passed, the climate in which they were passed, the situation that existed to see if they were passed with evil intent and we will decide that question. If we decide that question in favor of you, Mr. Plaintiff, then we have eliminated a lot of testimony. If we decide it against you then we will give you the opportunity to show the other side of it. If we say some of them are valid on their face and some of them are not then we can hear that testimony.

By Judge Brown:

If I understand the Government's theory there is a kind of a correlary in this; not only does evidence bear upon circumstances under which the statute was passed indicat-

ing its constitutionality on its face but its unconstitutionality on its face is demonstrated by the manner in which it is actually being used. Now that's different from a charge of unconstitutional application. Its applying proof to show the Court why these fears that one could conjure up really exist. In other words here let me see if I can because this is the point that bothers me in the case this business under 241a under good moral character. Well as judge we could sit back and say well this is obviously too broad and too loose because just think of all the things that a registrar [fol. 340] might be able to say if he disqualified a man because he didn't have good moral character, didn't go to the right church, didn't belong to the right clubs, drank, he smoked, he gambles or whatever it is, but the Government's theory doesn't want to leave us in the quandary of our imagination. They want to show by actual facts in the mechanical handling of registration in Mississippi what goes on so that the Court will see in fact how these ostensibly valid provisions are capable of real discrimination. Now it seems to that when if there is a separate theory there at all if I have stated it correctly then it lapses over into this other thing so much that you ought to hear the evidence as one.

By Mr. Wells:

If the Court please, if that's their theory that's not the way their bill is drawn. They set out in this bill just this; that here's the circumstances that existed when this statute was passed and the statute has no measuring rod and on its face and the circumstances under which it was passed it is unconstitutional period. Then they go further in certain other parts and saying that these clerks are using these statutes to discriminate. There is a clear cut separation of difference here that we can become confused with and that the trial on the one hand of the constitutionality of these statutes and these sections on their face, not just reading them, but the atmosphere under which they were passed and the language of them, I am thinking more about the statutes now than I am the constitutional application, if the Court please, because they complain in there about the fact that they leave too much discretion and then on the other hand they get

off and say now these things have been used to discriminate. Now one other thing, if the Court please, that I had understood that Your Honor was very much concerned with and that is some of what is asked this three-judge court is asked to do in addition to the declaring of these statutes unconstitutional and how far this Court ought to go.

By Judge Brown:

Not how far we ought to go but how far not in relief a decision but how far a three-judge court as distinguished from a one-judge court can go under the statute.

By Mr. Wells:

Yes sir. Now you are asked to declare these sections unconstitutional and to issue an injunction enjoining the further application or use of any of them or all of them of those that are declared unconstitutional put them out of business as a result of this section and this section and this section that it cannot be used any more. In other words to say actually what they are asking that all of the laws of Mississippi pertaining to registration go out the window and we start over again. Now that is the proper function of a three-judge court to act on the constitutionality of a section of a constitution or a statute and on de-[fol. 342] claring it to be unconstitutional' enjoin those people whose authority it is to operate under it from proceeding further in enforcing it and that is the function and the primary function of a three-judge court, but the plaintiff in this case is asking you to go further to make a finding that these registrars have discriminated in the application of the statutes; to go further and find that that discrimination is pursuant to a pattern or practice. Now let's see if that is the proper province of a three-judge court.

By Judge Brown:

Well, now I don't think you need to argue that. I think clearly that it is, it is for a single judge ordinarily, but now this is where the fly is in this ointment. If I read this *Limegrowers v. Avocado* business in 4 2d and you all are familiar with it it undertakes to say when a

three-judge court must be convened and if it must be convened then it has not only the power but the duty to decide all the questions both local, state and federal laws that are incident to it.

By Mr. Wells:

I agree, if the Court please, that once this Court is properly convened it has the right, it has the authority to decide all the collateral questions. There is no question about that, but now let's see if in this case in the exercise of its discretion the Court should do this and let me point [fol. 343] out what this Court is getting into.

By Judge Brown:

Well, now while you are arguing that let me give you something more to worry about. It isn't quite as simple as saying well we will put this responsibility on the one judge because that's where it is ordinarily going to be, but the right of appeal you see is quite different and I wonder really and I wish you would address yourself to this whether we have any discretion or whether we are not obligated to go ahead and hear the whole case because the difference in review is really very marked. One is through the Court of Appeals with certiorari maybe; the other is a direct appeal as a matter of right to the Supreme Court.

By Mr. Wells:

Before I get to that let me cover this, if the Court please, and show you here's what happens. If this Court makes a finding that these registrars have discriminated against somebody and that its according to a pattern and practice then what next. You have become registrars, a Court of Registry, because here's what happens. Here's what happens. If the Court finds such pattern or practice any person of such race resident within the affected area, that's going to meap Mississippi, shall for one year and thereafter until the Court subsequently finds that such pattern or practice has ceased be entitled upon his application therefor to the [fol. 344] Court to an order declaring him qualified to vote upon proof at any such election as he is qualified under state law to vote and he has since such finding been deprived

of the right to register and so forth or and then he applies to this Court for orders and the Court is constantly giving orders or the Court can appoint a referee for the area affected and of course the area is Mississippi and this person applies to the referee and the referee has got to certify that to the court, to this Court and then the Attorney General has got to be given notice and then they can come in and have a hearing on that referee's report to this Court. The Court can't appoint a referee and forget it and go off because the referee has got to report to this Court on each individual case and there's a right to protest in contact for this Court, so this Three-Judge Court will be constantly acting in that capacity until such time and not until such time——

By Judge Wisdom:

But we, I don't follow that at all because it seems to me that at anytime we could if we chose pass that chore on to the local judge, to the district judge sitting alone.

By Mr. Wells:

If the Court please, the Court that appoints the referee is the one the referee reports to.

By Judge Wisdom:

Well, what is the Court?

[fol. 345] By Mr. Wells:

This Three-Judge Court if you go that far.

By Judge Brown:

That's a nice question.

By Mr. Wells:

I say to this Court frankly and I will be perfectly frank with——

By Judge Brown:

You would have our company for a long time.

By Mr. Wells:

I do not know what this the right this Court has. I do say this. I think this Court is still a court of equity and its been my observation that courts of equity have rather broad powers sometimes that are not actually written in the statute, but I believe that if this Court stopped with the question of the constitutionality and said your relief on your question of your pattern and practice being limited to six counties in Mississippi anyway because those are the only six counties that you have named—

By Judge Brown:

Seems to me this is a thing that has not been adequately briefed this specific question about the power of a three-judge court properly constituted to her a meritorious attack on the constitutionality of statutes and its right on a determination of that issue to surrender to the local district [fol. 346] judge those phases which would ordinarily be for a single judge but which it might if it wanted to that is within its discretion keep for itself and I think we would welcome briefs on that phase of it, but I am about to say I think when Mr. Doar gets through I believe this is a little premature anyway.

By Mr. Wells:

We will go into that every way we can but I do want to say to the Court frankly and I cannot help but feel that we would be in better order for the benefit of the decision of this Court, two of the members of this panel as I had an occasion where we lumped civil and criminal contempt it was pretty hard keeping separate which applied to which, but we have got a situation some of this evidence will apply to the question of whether these matters are constitutional on their face and some of them will apply as to whether or not they are unconstitutional as to their application and in any event when we get into the question, if the Court please, of pattern and practice lump that in with it too its going to mean pattern or practice not in six counties but if the State of Mississippi as long as its a party here and the State Election Commission is a party here they are not going we are not certainly going to be limited to these

six counties and on pattern and prattice I would feel that we would have a right, for instance here is an example, if the Court please, on the question of pattern and practice to bring 1,500 negroes from Hinds County in here [fol. 347] dating back from way back yonder some 25 years ago down to the present time to show that there has been no discrimination whatsoever starting back the first I remember would be back in the early teens when I remember they were registering to vote and bring them down here to show the pattern and practice has been the other way. This thing could amount to enormous proportions and that's the reason that we feel that this Court should set aside that phase of this thing first and then say here's what it is about these and then we could regulate the testimony on the balance.

By Judge Brown:

Well, I think we have your position pretty well, Mr. Wells, and I do want to hear from the Government and we are going to try we have to leave this evening and we do want to have an opportunity to confer and I hope to maybe confer with counsel informally in chambers if we get finished in time so I think we will just hear from Mr. Doar now. You have had about your say don't you think, Mr. Wells.

By Mr. Doar:

If the Court please, with respect to the argument about changing the law with respect to preservation of records not being inconsistent with Title 3 of the 1960 Act we feel that its very inconsistent; after all we live in a real world and the real world is that there is penalties for the volations of preserving the records and if you have a statute that on [fol. 348] its or on the State of Mississippi books providing that they need not keep the records the registrars, the registrars, not Mr. Wells, but individual registrars will say that that is what they were going by and taking the entire history of this statute, when it was passed, and when it was amended in relation to when the 1960 Civil Rights Federal Act was passed with respect to preservation of records indicates quite clearly to me that it was not in complete disagreement—

By Judge Brown:

How long you think in Mississippi they have to preserve them under the '57 and '60 acts.

By Mr. Doar:

They have to preserve the registration records forever.

By Judge Brown:

Forever?

By Mr. Doar:

Sure, because the registration here is permanent.

By Judge Brown:

Well 22 months, we are not talking about 22 months.

By Mr. Doar:

No, the 22 months applies to ballots but—

By Judge Wisdom:

I beg your pardon.

[fol. 349] By Mr. Doar:

The 22 months applies to ballots at elections but the registration since registration is permanent in Mississippi that particular persons registered in 1960 could vote in 1970, therefore, one of the acts that he performed to vote in 1970 was done in 1960 and they have to preserve it for 22 months after the 1970 election.

By Judge Wisdom:

Well I don't see where, I would see where they would have to preserve the records of those who are permanently registered. I don't know it necessarily follows with regard to those who were rejected for permanent registration. They might have to keep those records for 22 months.

By Mr. Doar:

Well, I don't think so, Your Honor. I think that all of the records would have to be preserved because the only way you could determine who was fairly registered at an election would be to look at both the accepted and rejected records.

By Judge Wisdom:

It may be that Congress meant it as to such records as to those who were rejected and also as to the records of the ballots it was necessary to keep them for only 22 months, but of course it goes without saying that in any permanent registration system whatever records relate to the permanent registration must be kept permanently, however [fol. 350] that's a minor point and I don't want to at this late hour in the afternoon let's not get entangled in that difficulty.

By Mr. Doar:

All right, Your Honor. The other point I want to make is in response to Mr. Wells' argument that there should be a separate trial of claims in this case. The difficulty with Mr. Wells' argument is that there isn't any separate claims. Our claim is that the statutes are unconstitutional. The proof which we intend to offer part of that proof goes to how the statutes have been used. Now in the Vermillion case there was proof as to what that particular statute did, it gerrymandered all negroes out of Tuskegee and it gerrymandered or permitted all whites to stay in.

By Judge Brown:

Do you really propose to try a pattern or practice case?

By Mr. Doar:

Only with respect not to try a pattern or practice case but we propose to claim that this entire group of laws the entire statutes in Mississippi as they have been passed constitute a pattern and practice.

By Judge Wisdom:

Its news to me this is not a pattern and practice case in the sense in which that term is used in the Civil Rights Act.

[fol. 351] By Mr. Doar:

That's the question that has to sometime be determined in this case but its not determined now.

By Judge Wisdom:

No, but I mean so far as the constitutionality of it is concerned the pattern and practice relates or is being used only for the purpose of showing how the Mississippi statutes operate.

By Mr. Doar:

That's right. Now the question, Your Honor, of whether or not there has been systematic discrimination as a result of these statutes triggers this 1960 act hasn't been briefed. We haven't argued that point wouldn't come up until after the hearing is over, but we do propose to offer proof as to how the statutes have been used as relevant proof—

By Judge Brown:

Now more specifically with respect to each of these six registrars would your testimony be any different in this case from what it would be in a suit against each one of them individually separately before a single judge?

By Mr. Doar:

It wouldn't be any different with respect to the records because we would offer it if the records were there we would offer all the records because that would be the best proof of how the statute had been used and we would see [fol. 352] nothing to be gained by offering just part of the records. If some of the records are destroyed then we would offer some oral testimony or testimony by deposition and we would not be as extensive as we would if we were trying a case under 1971a and some matters that we couldn't go into at all.

By Judge Brown:

Now your prayer doesn't seek a determination that there is a pattern and practice does it?

By Mr. Doar:

Yes, it does.

By Judge Brown:

It does ?

By Mr. Doar:

Yes sir, it does.

By Judge Cox:

I want to ask you about that. You do seek in the prayer of the complaint for a finding by the Court under paragraph e of Section 1971 that there was a pattern or practice with respect to these six registrars.

By Mr. Doar:

That's right, not only with respect to the six registrars but we contend that that pattern or practice could be found with respect to the entire state.

By Judge Cox:

But you ask specifically with respect to that and then [fol. 353] it becomes the duty mandatorily of for this Court if that prayer is granted to do certain things under paragraph e.

By Mr. Doar:

That's the question whether or not, that's the question whether or not if the Court makes a finding of systematic discrimination its not what every registrar does, its systematic discrimination because of these group of statutes the fact that they were passed. In other words in the legislative history in the 1957 law there's legislative history to show that a law can constitute a pattern or practice.

By Judge Cox:

You are not saying that that phrase that you just happened to employ it, that you deliberately picked that phrase pattern and practice out of the statute didn't you?

By Mr. Doar:

Yes, we did certainly, but the question has not been briefed and its a question this Court has to decide as to whether or not that finding would trigger the 1960 Civil Rights Act, that's the question.

By Judge Cox:

Congress says so doesn't it.

By Mr. Doar:

Pardon?

[fol. 354] By Judge Cox:

This act itself says that it does.

By Mr. Doar:

That's right, that's right, it does.

By Judge Brown:

Well Now I am groping here to try to find a practical solution to a very troublesome problem. It seems to me tentatively at least that substantial questions involving constitutionality of the Constitution of Mississippi and the statutes is presented requiring a three-judge court and that the Government is entitled at least to offer this evidence which is going to either explain or show why or wherein and that it would partake of the same kind of testimony but not necessarily the same quantity of a pattern and practice civil rights voting case. One is strictly the function of a single-judge court. One is the function of a three-judge court. Now is there any kind of a way by which without restricting the Government in full development of its main theory there can be some kind of a limitation put on it so we are not unwittingly dragged into a thing which ought best to be left to a single judge. Now is that stated.

By Mr. Doar:

That states it, yes, Your Honor, and I would think that the way to do that would be for the Court to rule on the types of evidence that would be admissible. For example, [fol. 355] if a registrar said to negro citizens you can't register at all I would think that that would not be relevant proof in this case. If the Court has got to decide how much proof on whether or not the statute is given to whites and not given to negroes whether proof on selection is relevant, whether proof on assistance is relevant, whether proof on grading is relevant and we think a certain amount of proof on each one of those things is relevant but it goes no further than that with respect to discrimination.

By Judge Wisdom:

Mr. Doar, is it not a fact that as a practical matter in some of these cases which were three-judge cases after the three-judge court passed on the constitutional question the three-judge court bowed out and turned it over turned over the proceeding to a single judge who then passed on questions relating to the ordinary voters of pattern of discrimination in voting cases. I have reference to two or three cases in North Louisiana, certainly the Manny case that's exactly what happened.

By Mr. Doar:

That is true.

By Judge Wisdom:

Then turned after the three-judge court passed on the constitutionality we turned it over the case was then turned over to the single judge, in that case I think it was Judge [fol. 356] Dawkins.

By Mr. Doar:

Judge Dawkins and Judge Hunter and they proceeded under the 197—

By Judge Wisdom:

Now has this been true in other cases.

By Mr. Doar:

No sir, because we have never had another case involving a three-judge court in a 1971a case—

By Judge Wisdom:

Well it seems to all of us that there would be no point in keeping in having a three-judge court sit on those cases that came to the court after the finding of the pattern of discrimination.

By Mr. Doar:

We don't think there is either. We don't think there is any need for that, we don't think its required.

By Judge Brown:

In other words it would be someone like Judge Cox sitting as a single judge making the decision in a pattern or practice and Judge Clayton comes down by designation and Judge Mize comes up he is still the court.

By Judge Wisdom:

That was the case there because we had both Hunter and Dawkins sitting.

[fol. 357] By Mr. Doar:

That's exactly what happened in North Louisiana.

By Judge Brown:

Now do you think that maybe this is one motion that turns out we may be a little premature on, that we ought to discover a little bit?

By Mr. Doar:

Well I think it is, Your Honor, and its also a question we are going to have to be confined to the use of these statutes, there's a lot of other types of discrimination that you can't go into at all on proof that might show a pattern or practice, but we are confined to just these statutes and

these particular statutes we are confined to are the interpretation, tests and good moral character test and those particular proof there is going to be a lot of statistical proof because that's a basis for the freeze and then we have got to show some proof to how the statutes have been used to discriminate and we will select that from various illustrations of that throughout the state, not necessarily from these six counties but we picked these counties because they are representative but on how this statute is used we would might offer from a number of counties and the question would be as to that whether its admissible.

By Judge Brown:

In other words the presence of these six particular registrars [fol. 358] is just to have some live bodies who have official duties to make a case or controversy.

By Mr. Doar:

That's one thing and the second that the defendants because of the argument that the defendants ought to carry with the case because we can't properly sue the State of Mississippi.

By Judge Brown:

In other words you could have maintained it against all these defendants, you could have maintained it against any one registrar?

By Mr. Doar:

Yes, we could have, we could have maintained it against all of them and we could have sued all 85.

By Judge Brown:

Even without including pattern or practice?

By Mr. Doar:

That's right, on the statutes, just on the statutes.

By Judge Brown:

Now this concludes all of those that are listed but there is a Government motion for Rule 34 motion to produce. I understood from Mr. Wells and I don't want to overstate it that what the Court rules as to the scope of the complaint will determine the right of the Government to this motion to produce and that they do not oppose the granting but limit it to the scope of the complaint as finally fixed by the [fol. 359] Court on the motions that have been heard heretofore today.

By Mr. Wells:

And we take this position, if the Court please, of course the Court has before it the question of more definite statement as to certain parts of it, and our position has been and has been in the district courts that if we are entitled to a more definite statement on any part of it then you do not have a good cause of action until that more definite statement has been furnished and they would not be entitled to their discovery until they had complied with the order for the more definite statement. When they have done that of course they are then entitled as you say within the scope—

By Judge Brown:

Without intimating any ruling if the Court overrules the motion to make more definite and to strike do you see any reason why the motion of the Government for production under Rule 34 ought not now to be granted as a matter of course?

By Mr. Wells:

Within the scope of what is before the Court in this case, if the Court please. I wish I did have but I can't think of a good argument against it.

By Judge Brown:

Well it goes back a long long way. Is there any other matter now that needs to be presented? The court would like to have the counsel just remain informal around the

[fol. 360] Court House for the next half hour if its possible to announce some rulings we would like to do it. We don't know that we can.

(At which time the hearing of this cause recessed until 3:45 P.M. and was taken up in the Hearing Room when the following proceedings were had and entered of record.)

By Judge Brown:

Gentlemen, we thought as much as possible we should announce the rulings that we have been able to make.

By Mr. Shands:

We wanted to dictate this into the record before the Court announced its ruling.

By Judge Brown:

You can do that. Mr. Wells spoke to us before Judge Wisdom left.

By Mr. Shands:

The State of Mississippi and all defendants in this case wish to clarify and make definite our positions on these points:

1. The sections of the Mississippi Constitution and all statutes challenged in this case both as originally enacted and as later amended are valid on their face as will be seen from a reading and study of their terms.

No proof or evidence having to do with any purpose, motive, intent or climate is admissible or pertinent to the determination as to the validity or constitutionality of said [fol. 361] constitutional provisions and statutes.

2. Proof of any discriminatory actions taken by any registrar cannot affect the validity of any constitutional or statutory provisions valid on its face.

3. This Court cannot receive any evidence or act or any alleged evidence or act alleged to constitute any pattern or practice of discrimination.

4. No defendant, even one who has permitted inspection of his records, admits or concedes that Section 1974 of Title 42USCA is valid or constitutional.

By Judge Brown:

May I ask a question on that last. It seems to me that in view of that reservation which you are certainly entitled to make that it acts now there is genuine substance to the third claim.

By Mr. Shands:

No sir, we don't think so.

By Judge Brown:

That is pertinent to your general position, not with respect to any particular motion, will you say that applies.

By Mr. Shands:

This is our general, we want nothing in this record to be in anyway any modification or detraction from these points that we have put in the record.

[fols. 362-363] By Judge Brown:

This is a thing the Court will have to take along with the case.

(At this point the Court began to make its ruling, which was previously transcribed and filed.)

Reporter's Certificate to foregoing transcript omitted in printing.

[fol. 364] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

Civil Action No. 3312

ANSWER OF DEFENDANT, T. E. WIGGINS—Filed May 13, 1963

Comes now T. E. Wiggins, Circuit Clerk and Registrar of Lowndes County, Mississippi, hereinafter referred to as This Defendant, and files this answer to the complaint heretofore filed in the above styled cause, and answering says:

First Defense

The complaint fails to state a cause of action upon which any relief could be granted against this defendant.

[fol. 365] Second Defense

This Court as composed lacks jurisdiction over the subject matter of this action and over this Defendant.

Third Defense

Answer to First Claim

1. This Defendant denies that this court has jurisdiction of this action.

2. This Defendant denies the averments of Paragraph 2 of the Complaint, and would state that the State of Mississippi is not a proper party to this action and cannot be joined as a party Defendant for the reason that Section 601 (b) of the Civil Rights Act of 1960 is unconstitutional on its face.

3. This Defendant admits that Ross R. Barnett, Joe T. Patterson and Heber A. Ladner are members of the Mississippi State Board of Election Commissioners by virtue of their official positions as Governor, Attorney General and Secretary of State, respectively; and admits that the offices of said Defendants are in the State Capitol, Jackson, Mississippi, but denies that the State Board of Election Commissioners is an agency of the Defendant State of Mississippi.

4. This Defendant admits the averments of Paragraph 4 of the complaint.

5. This Defendant admits the averments of Paragraph 5 of the complaint.

6. This Defendant admits the averments of Paragraph 6 of the complaint.

7. This Defendant admits the averments of Paragraph 7 of the complaint.

[fol. 366] 8. This Defendant admits the averments of Paragraph 8 of the complaint.

9. This Defendant admits the averments of Paragraph 9 of the complaint.

10. This Defendant denies the averments of Paragraph 10 of the complaint, and would show that as Registrar of Voters, he performed the duties imposed upon him by the Statute Law of the State of Mississippi.

11. This Defendant denies the averments of Paragraph 11 of the complaint.

12. This Defendant denies the averments of Paragraph 12 of the complaint, which refer to Lowndes County, Mississippi. Upon information and belief, he also denies the averments of said Paragraph, which refer to the counties of Amite, Coahoma, Claiborne, Le Flore, and Pike.

13. This Defendant denies the averments of Paragraph 13 of the Complaint.

14. This Defendant denies the averments of Paragraph 14 of the Complaint.

15. This Defendant denies the averments of Paragraph 15 of the Complaint.

16. This Defendant denies the averments of Paragraph 16 of the complaint, except that he admits that a State Constitution was adopted in Mississippi in 1890.

17. This Defendant denies the averments of Paragraph 17 except that this Defendant admits that the Mississippi Constitution of 1890 contains Section 244, and asserts that said Section itself is the best evidence of its content.

[fol. 367] 18. This Defendant admits the averments of Paragraph 18 of the complaint, except that he denies that registration in Mississippi is permanent.

19. This Defendant denies the averments of Paragraph 19 of the complaint.

20. This Defendant is without knowledge or information

sufficient to form a belief as to the truth of the averments in Paragraph 20 of the complaint.

21. This Defendant denies the averments of Paragraph 21 of the Complaint and each of the sub-paragraphs thereunder.

22. This Defendant admits that the United States Court of Appeals for the Fifth Circuit rendered a decision in June 1951, with reference to Section 244 of the Mississippi Constitution of 1890, but denies that the Plaintiff has correctly stated the meaning of said decision in Paragraph 22 of the complaint.

23. This Defendant admits the averments of Paragraph 23 of the complaint, and would show that said averments would also apply to the White race.

24. This Defendant admits the averments of Paragraph 24 of the complaint.

25. This Defendant denies that the Legislature in Mississippi did not meet in 1953. He admits, however, that the Mississippi Legislature in 1954 did adopt a resolution to amend Section 244 of the Mississippi Constitution of 1890. He denies, however, that the Plaintiff has stated a correct interpretation of said amendment, and would show that this court can take judicial notice of the amendment to the Constitution, and would show that same speaks for itself. [fol. 368] 26. This Defendant is not advised as to the truth of the averments of Paragraph 26 of the complaint, and does not have sufficient information on which to form a belief as to the truth of said averments, and therefore denies same.

27. This Defendant denies the averments of Paragraph 27 of the complaint.

28. This Defendant denies the averments of Paragraph 28 of the complaint, except that he admits that the Mississippi Legislature created a Legal Educational Advisory Committee.

29. This Defendant denies that in 1954 the Supreme Court declared that state operation of racially segregated schools was unconstitutional. As to the remaining averments contained in this paragraph having to do with the formation of citizens councils, their purpose and their

projects, this Defendant is without knowledge or information sufficient to form a belief as to the truth of these averments and, therefore, deny the same.

30. This Defendant admits that the Legislature of the State of Mississippi met in extraordinary session in September, 1954. He would show, however, that the proclamation of the Governor convening such is a public document, and speaks for itself.

31. This Defendant admits the averments of Paragraph 31 except that this Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments that on November 2, 1954, there were approximately 472,000 registered voters in Mississippi who were eligible to vote on the proposed amendment to Section 244 of the Mississippi Constitution of 1890, and that about 95% [fol. 369] of said voters were white and fewer than 5% were negroes. This Defendant also denies that the amendment was adopted in a state where the public education facilities provided for negroes were and/or are inferior to those provided for white people.

32. This Defendant denies the averments of Paragraph 32, except that this Defendant admits that on December 21, 1954, the proposed amendment to the Mississippi Constitution was submitted to and approved by the voters, but asserts that said amendment is the best evidence of its contents.

33. This Defendant admits the averments of Paragraph 33 of the complaint.

34. This Defendant denies the averments of Paragraph 34 of the complaint, except this Defendant admits that the Mississippi Legislature adopted House Bill No. 95, Chapter 102, and Senate Bill No. 1216, Chapter 104, of the Laws of the Extraordinary Session of the Mississippi Legislature, 1955, and asserts that said House Bill and Senate Bill are the best evidence of their contents.

35. This Defendant denies the averments of Paragraph 35 of the complaint.

36. This Defendant admits the averments of Paragraph 36 of the complaint, except that he denies that he has enforced the requirements of Section 244 only when Negroes have attempted to register to vote, as is suggested by innuendo of the Plaintiff. He would show that he has

enforced the requirements of said section with reference to white applicants for registration as well as Negro applicants.

37. This Defendant is not advised as to the truth of the averments of Paragraph 37 of the complaint, and is without [fol. 370] knowledge or information sufficient to form a belief as to the truth thereof, and he therefore denies same.

38. This Defendant denies the averments of Paragraph 38 of the complaint, except that he admits that registrars of voters may select a section of the Constitution of the State of Mississippi, which any applicant for registration is called upon to read, write, and interpret. He would further show that on any given day the same section of the Constitution is submitted to both Negro and White applicants for registration.

39. This Defendant denies the averments of Paragraph 39 of the complaint, and asserts that the Mississippi Constitution is the best evidence of its contents, but states again that he submits the same sections to White and Colored applicants for registration.

40. This Defendant denies the averments of Paragraph 40 of the complaint.

41. This Defendant denies the averments of Paragraph 41 of the complaint.

42. This Defendant denies the averments of Paragraph 42 of the complaint, including subsections a, b, c, d, and e.

43. This Defendant admits the averments of Paragraph 43 of the complaint, but would show that he has not and will not use Section 244 of the Constitution as amended and the other registration laws of the State of Mississippi to prohibit qualified Negro voters from registering to vote, but has and will apply the provisions thereof equally to both White and Negro applicants for registration.

[fol. 371] Answer to Second Claim

44. This Defendant adopts his answers to Paragraph 1 through 34, and to Paragraph 37, to the averments of the First Claim of the complaint.

45. This Defendant denies the averments of Paragraph 45 of the Complaint except that this Defendant admits that in 1960, the Mississippi Legislature passed a joint resolution to amend Article 12 of the Constitution of 1890, to

include a new section (241-A) which resolution is the best evidence of its contents, and this Defendant admits that on November 8, 1960, the proposed addition to Article 12 of the Constitution was submitted to and adopted by the voters. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments that approximately 525,000 registered voters in Mississippi were eligible to vote on said proposed amendments and that about 95% were white and fewer than 5% were negro.

46. This Defendant admits the averments of Paragraph 46 of the complaint.

47. This Defendant admits the averments of Paragraph 47 of the Complaint except that this Defendant is without knowledge or information sufficient to form a belief as to the last sentence of said paragraph.

48. This Defendant admits the averments of Paragraph 48 of the complaint, but would show that any alleged acts of discrimination of Thero C. Lynd as Registrar of Forrest County, Mississippi, has no application to this Defendant, and that he has not been guilty of any acts of discrimination.

[fol. 372] 49. This Defendant denies the averments of Paragraph 49 of the complaint, except this Defendant admits that the Mississippi Legislature adopted, in 1962, House Bill No. 899, Chapter 575, General Laws of Mississippi 1962; House Bill No. 905, Chapter 569, General Laws of Mississippi 1962; House Bill No. 822, Chapter 572, General Laws of Mississippi 1962; and House Bill No. 904, Chapter 573, General Laws of Mississippi 1962, but asserts that said House Bills are the best evidence of their contents.

50. This Defendant denies the averments of Paragraph 50 of the complaint, including subparagraphs (a) and (b) thereof.

51. This Defendant denies the averments of Paragraph 51 of the complaint and the subparagraphs thereunder.

52. This Defendant denies the averments of Paragraph 52 of the complaint, and would show that since the adoption of the law requiring good moral character as a prerequisite to registering to vote, he has refused registration to no person, white or Negro, in Lowndes County, Mississippi because of the good moral character requirement.

53. This Defendant denies the averments of Paragraph 53 of the complaint, including subparagraphs (a) and (b).

54. This Defendant admits that unless he is restrained by order of this court, he will continue to enforce Section 241-A of the Mississippi Constitution and its implementing statutory provision, but would show that so far as his actions are concerned, the application of said constitutional provision and law will be the same for White and Negro applicants for registration.

[fol. 373]

Answer to Third Claim

55. This Defendant adopts his answers to Paragraph 1 through 34 and to Paragraph 37, of the First Claim of the complaint and his answers to Paragraph 45 through 49 of the Second Claim of the complaint as his answers to Paragraph 55 of the complaint.

56. This Defendant denies Paragraph 56 of the complaint, except that this Defendant admits that the Mississippi Legislature, in 1955, adopted House Bill No. 95, Chapter 102, General Laws of Mississippi, extraordinary session of 1954 and 1955, but asserts that said House Bill is the best evidence of its contents.

57. This Defendant denies the averments of Paragraph 57 of the complaint, except this defendant admits that in 1957 the Congress of the United States enacted the Civil Rights Act of 1957, but asserts that said Act itself constitutes and contains the best evidence of its contents. This Defendant denies that said act vest the Attorney General of the United States with authority to bring civil actions to protect the right to vote without *distinction* of race or color.

58. This Defendant denies the averments of Paragraph 58 of the complaint, except this Defendant admits that in 1960, the Congress of the United States passed Title III of the 1960 Civil Rights Act on May 6, 1960; that the Mississippi Legislature, in 1960, adopted House Concurrent Resolution No. 36, Chapter 510, General Laws of Mississippi 1960; the Mississippi Legislature, in 1960, enacted Senate Bill No. 1883, Chapter 449, General Laws of Mississippi [fol. 374] sippi 1960, effective date April 15, 1960, but asserts that said acts and resolution themselves are the best evidence of their respective contents.

59. This Defendant denies the averments of Paragraph

59 of the complaint, and would show that since the adoption of Title III of the Civil Rights Act of 1960, he has complied with the provisions thereof.

60. This Defendant denies the averments of Paragraph 60 of the complaint, and denies that he has any intention of destroying registration records in violation of law.

Answer to Fourth Claim

61. This Defendant hereby adopts his answers to Paragraphs 1 through 34, and to Paragraph 37 of the First Claim, his answers to Paragraph 45 through 49 of the Second Claim, and his answers to Paragraph 56 through 58 of the Third Claim, as his answers to Paragraph 61 of the complaint.

62. This Defendant admits the averments of Paragraph 62 of the complaint, but would show that said averments are not pertinent to the issues raised in this lawsuit.

63. This Defendant is not advised as to the truth of the averments of Paragraph 63 of the complaint, and has no information or knowledge upon which to form a belief as to the truth of said averments, and therefore denies same.

64. This Defendant is not advised as to the truth of the averments of Paragraph 64 of the complaint, and has no information or knowledge upon which to form a belief as to the truth of said averments, and therefore denies same.

65. This Defendant is not advised as to the truth of the averments of Paragraph 65 of the complaint, and has no [fol. 375] information or knowledge upon which to form a belief as to the truth of said averments, and therefore denies same.

66. This Defendant denies the averments of Paragraph 66 of the complaint, except that this Defendant admits that the Mississippi Legislature adopted during its 1962 session House Bill 900, House Bill 901, House Bill 905, House Bill 822, House Bill 904, and House Bill 903, and asserts that said House Bills are the best evidence of their respective contents.

67. This Defendant denies the averments of Paragraph 67 of the complaint, including subparagraphs (1), (2), (3), (4), (5), and (6) of subparagraph (a), and also subparagraphs (1), (2), (3), (4), (5), (6), and (7) of subparagraph (b).

68. This Defendant ~~denies~~ the averments of Paragraph 68 of the complaint.

69. This Defendant admits that he is required under the law to apply the provisions of the State Statutes to all persons who apply for registration to vote. He denies all the other averments of said Paragraph 69.

70. This Defendant admits the averments of Paragraph 70 of the complaint, except that he denies the effect of which has been, is, or will be to deprive "otherwise qualified" Negro citizens in Mississippi of their right to register to vote without distinction of race or color.

[fol. 376] Wherefore, This Defendant prays, as to him, that the court will enter an order dismissing the complaint of the Plaintiff.

T. E. Wiggins, Circuit Clerk, and Registrar of
Lowndes County, Mississippi.

William G. Burgin, 516 Second Ave. North Columbus, Mississippi. W. H. Jolly, 107 Waters Bldg., Columbus, Mississippi. Joe O. Sams, Jr., 514 Second Ave. North Columbus, Mississippi. By: —, —, Attorney for T. E. Wiggins.

Certificate of service (omitted in printing.)

[fol. 377] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

Civil Action No. 3312

ANSWER OF DEFENDANT, H. K. WHITTINGTON, TO ORIGINAL
AND AMENDED COMPLAINT—Filed May 13, 1963

Comes now H. K. Whittington, one of the Defendants in the above cause, and for separate answer to the complaint and amended complaint, respectfully presents unto the Court the following:

First Defense

The Complaint fails to state a claim against this Defendant upon which relief can be granted.

[fol. 378]

Second Defense

This Court as composed lacks jurisdiction over the subject matter of this action and over this Defendant.

Third Defense

Answer to First Claim

(1)

This Defendant Registrar denies that this Court has jurisdiction of this action under 42 U.S.C. 1971 (d), 28 U.S.C. 1345, and 28 U.S.C. 2281.

(2)

This Defendant Registrar denies the averments of Paragraph 2 of the complaint.

(3)

This Defendant Registrar admits the averments of Paragraph 3 of the complaint, insofar as it states the names of the Mississippi State Board of Election Commissioners and their addresses, and the capacity in which they hold the above offices; but denies that the board is an agency of the State of Mississippi.

(4)

This Defendant Registrar admits the averments of Paragraph 4.

(5)

This Defendant Registrar admits the averments of Paragraph 5.

(6)

This Defendant Registrar admits the averments of Paragraph 6.

[fol. 379]

(7)

This Defendant Registrar admits the averments of Paragraph 7.

(8)

This Defendant Registrar admits the averments of Paragraph 8.

(9)

This Defendant Registrar admits the averments of Paragraph 9.

(10)

This Defendant Registrar denies that registrars of voters in Mississippi, including the Defendant H. K. Whittington Registrar, are agents of the Mississippi State Board of Election Commissioners and of the State of Mississippi and denies that this Registrar administers and enforces the Mississippi constitutional and statutory provisions which set out the requirements and procedures for the registration of voters but avers that this Defendant Registrar is an appointee, and not an agent, of the State of Mississippi and that he performs only those duties required of him by statute.

(11)

This Defendant Registrar denies that all registered voters in the State of Mississippi since at least 1892 have been White citizens.

(12)

This Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in Paragraph 12 of the complaint.

[fol. 380]

(13)

This Defendant Registrar denies the averments of Paragraph 13 of the complaint.

(14)

This Defendant Registrar denies the averments of Paragraph 14 and avers that all qualified electors of Amite County, Mississippi prior to 1890 were only those persons who qualified as electors by meeting the requirements of the statute.

(15)

This Defendant Registrar denies the averments of Paragraph 15 of the complaint.

(16)

This Defendant Registrar admits the averments of Paragraph 15 of the complaint that in 1890 a new State Constitution was adopted but denies the remainder of the averments therein as being the purpose of the adoption.

(17)

This Defendant Registrar denies the averments of Paragraph 17 of the complaint but avers that the adoption of Section 244 of the Constitution of the State of Mississippi of 1890 was for the purpose of improving the standards of those responsible for election of our governing officials and operation of the government.

(18)

This Defendant Registrar admits that since at least 1892, in fact, since 1869, registration has been and is a [fol. 381] prerequisite for voting in any election in Mississippi, but specifically denies that registration in Mississippi is permanent.

(19)

This Defendant Registrar denies the averments of Paragraph 19 of the complaint.

(20)

This Defendant Registrar for lack of information neither admits nor denies the averments of Paragraph 20.

(21)

Defendant Registrar denies the averments of Paragraph 21 of the complaint and avers the facts to be:

a) Qualified Negroes were allowed to register to vote when they presented themselves to the registrar and met the requirements of the statute for voter registration.

b) All persons whether they are literate or illiterate Negroes or literate or illiterate White persons were required to interpret a section of the Mississippi Con-

stitution as required by Section 244 of the Constitution of Mississippi 1890.

c) Negroes were not excluded from voting in Democratic primary elections. Defendant Registrar admits during this time victory in the Democratic primary in Mississippi was tantamount to election.

(22)

This Defendant Registrar admits the decision in *Peay v. Cox*, 190 F. 2d 123, as stated in said reported decision but not otherwise.

[fol. 382]

(23)

This Defendant Registrar admits the averments of Paragraph 23 of the complaint.

(24)

This Defendant Registrar admits that in 1952 the Mississippi Legislature passed a joint resolution proposing an amendment to Section 244 of the Mississippi Constitution of 1890, but asserts that said resolution itself is the best evidence of its content. This Defendant further admits that the proposed amendment was submitted to the voters in a general election but was not adopted for the reason that a majority of the qualified electors voting in said election did not vote for the proposed amendment.

(25)

This Defendant Registrar denies that the Legislature of the State of Mississippi did not meet in 1953, and affirmatively states that said Legislature did meet in 1953 in an extraordinary session. This Defendant denies the remainder of the averments contained in Paragraph 25 of the complaint except that this Defendant admits that the Legislature of the State of Mississippi adopted by a concurrent resolution a proposed amendment to Section 244 of the Constitution of 1890 of the State of Mississippi, being Senate Concurrent Resolution No. 13, Chapter 427 of the General Laws of Mississippi of 1954, and asserts that said resolution itself, is the best evidence of its content.

(26)

This Defendant Registrar because of lack of information, neither admits nor denies Paragraph 26 of the complaint.

[fol. 383]

(27)

This Defendant Registrar denies the averments of Paragraph 27 and denies that the proposed amendment to Section 244 of the Mississippi Constitution of 1890 was designed to perpetuate in Mississippi White political supremacy, a racially segregated society, and the disfranchisement of Negroes; but avers that said amendment was designed and intended to promote better government through improved standards of those registering to vote and to participate in voting in election of our officers and the operation of our government, and in no wise applies to anyone on the basis of race, creed or color.

(28)

This Defendant Registrar neither admits nor denies Paragraph 28 of the complaint and refers to the document itself for the contents thereof.

(29)

This Defendant Registrar denies that in 1954 the Supreme Court declared that state operation of racially segregated schools was unconstitutional. As to the remaining averments contained in this paragraph having to do with the formation of citizens councils, their purpose and their projects, this Defendant is without knowledge or information sufficient to form a belief as to the truth of these averments and, therefore, deny the same.

(30)

This Defendant Registrar in answer to Paragraph 30 of the complaint refers to Chapter 39 of the extraordinary [fol. 384] session of the legislature of 1954 for more complete answer to said paragraph.

(31)

This Defendant Registrar admits the first sentence of Paragraph 31. Defendant Registrar for lack of informa-

tion, neither admits nor denies that there were 472,000 registered voters in the State of Mississippi on November 2, 1954 and neither admits nor denies that 95% were White and fewer than 5% were Negro. Defendant Registrar denies that the educational facilities provided for Negroes were and are inferior to those provided for White persons.

(32)

This Defendant Registrar denies the averments of Paragraph 32, except that this Defendant admits that on December 21, 1954, the proposed amendment to the Mississippi Constitution was submitted to and approved by the voters, but asserts that said amendment is the best evidence of its contents.

(33)

This Defendant Registrar admits the averments of Paragraph 33 and affirmatively states that said extraordinary session was also called for the other purposes set forth in the proclamation of Hugh White, Governor, dated December 29, 1954.

(34)

This Defendant Registrar denies the averments of Paragraph 34 of the complaint, except this defendant admits [fol. 385] that the Mississippi Legislature adopted House Bill No. 95, Chapter 102, and Senate Bill No. 1216, Chapter 104, of the Laws of the Extraordinary Session of the Mississippi Legislature, 1955, and asserts that said House Bill and Senate Bill are the best evidence of their contents.

(35)

This Defendant Registrar denies the averments of Paragraph 35 of the complaint.

(36)

This Defendant Registrar admits the averments of Paragraph 36 of the complaint but avers that he has also enforced the requirements of Section 244 when persons of all races have attempted to register to vote and has not required any Negro to meet more stringent requirements than Whites.

(37)

This Defendant Registrar for lack of information, neither admits nor denies the averments of Paragraph 37 of the complaint.

(38)

This Defendant Registrar denies the averments of Paragraph 38 of the complaint.

(39)

This Defendant Registrar denies the averments of Paragraph 39 of the complaint.

(40)

This Defendant Registrar denies the averments of Paragraph 40 of the complaint.

[fol. 386]

(42)

This Defendant Registrar denies the averments of Paragraph 41 of the complaint.

(42)

This Defendant Registrar denies that Section 244 of the Mississippi Constitution, as Amended, is unconstitutional and specifically denies the averments of subparagraphs (a), (b), (c), (d), and (e) of Paragraph 42 of the complaint. In addition, he reiterates the answers he has already made to those same averments as they appear elsewhere in the complaint.

(43)

This Defendant Registrar admits unless restricted by order of this court he will continue to be governed by the requirements of Section 244, as amended, and its implementing statutory provisions as qualifications for registration to vote.

Answer to Second Claim

(44)

This Defendant Registrar, in answer to Paragraph 44 of the complaint, adopts his answers to Paragraphs 1 through 34, and to Paragraph 37, of the complaint.

(45)

This Defendant Registrar admits the the first two sentences of Paragraph 45 of the complaint. Defendant Registrar for lack of information, neither admits nor denies the next two sentences of Paragraph 45 of the complaint.

[fol. 387]

(46)

This Defendant Registrar admits the averments of Paragraph 46 of the complaint.

(47)

This Defendant Registrar neither admits nor denies the averments of Paragraph 47 of the complaint not being duly advised as to the actions of the Attorney General throughout the State of Mississippi commencing in August, 1960 to date but admits that he does know that some such action was taken.

(48)

This Defendant Registrar neither admits nor denies the averments of Paragraph 48 of the complaint not being fully advised thereto and not being familiar with or a party to any of the court procedures mentioned or the orders of the court therein.

(49)

This Defendant Registrar denies the averments of Paragraph 49 of the complaint, except this defendant admits that the Mississippi Legislature adopted, in 1962, House Bill No. 899, Chapter 575, General Laws of Mississippi 1962; House Bill No. 905, Chapter 569, General Laws of Mississippi 1962; House Bill No. 822, Chapter 572, General Laws of Mississippi 1962; and House Bill No. 904, Chapter 573, General Laws of Mississippi 1962, but asserts that said House Bills are the best evidence of their contents.

(50)

This Defendant Registrar denies the averments of Paragraph 50 of the complaint but avers that he has not at any time invoked the good moral character requirement as a condition to registration.

[fol. 388]

(51)

This Defendant Registrar denies the averments of Paragraph 51 of the complaint.

(52)

This Defendant Registrar denies all of the averments of Paragraph 52 of the complaint and denies that the enforcement or the threat of enforcement of the character qualification has deterred, is deterring and will continue to deter qualified Negro citizens from applying to register to vote and denies that the threatened use and the use by this Registrar will deprive otherwise qualified Negro citizens of the right to register and vote.

(53)

This Defendant Registrar denies the averments of Paragraph 53 of the complaint and avers that Section 241-A of the Mississippi Constitution makes no distinction between Negroes and White as to the requirement of good moral character to be a qualified elector.

(54)

This Defendant Registrar admits in answer of Paragraph 54 of the complaint that unless he is restrained by order of this court or some other court, he will continue to enforce Section 241-A of the Constitution of Mississippi and its implementing statutory provisions as a qualification to register to vote only in the manner hereinabove mentioned.

Answer to Third Claim

(55)

This Defendant Registrar, in answer to Paragraph 55 of the complaint, adopts his answers to Paragraphs 1 [fol. 389] through 34, and to Paragraph 37, and to Paragraphs 45 through 49 of the complaint.

(56)

This Defendant Registrar denies Paragraph 56 of the complaint, except that this defendant admits that the Mississippi Legislature, in 1955, adopted House Bill No. 95,

Chapter 102, General Laws of Mississippi, extraordinary sessions of 1954 and 1955, but asserts that said House Bill is the best evidence of its contents.

(57)

This Defendant Registrar denies the averments of Paragraph 57 of the complaint, except this defendant admits that in 1957 the Congress of the United States enacted the Civil Rights Act of 1957, but asserts that said Act itself constitutes and contains the best evidence of its contents. This Defendant denies that said act vests the Attorney General of the United States with authority to bring civil actions to protect the right to vote without *distinction* of race or color.

(58)

This Defendant Registrar denies the averments of Paragraph 58 of the complaint, except this defendant admits that in 1960, the Congress of the United States passed Title III of the 1960 Civil Rights Act on May 6, 1960; that the Mississippi Legislature, in 1960, adopted House Concurrent Resolution No. 36, Chapter 510, General Laws of Mississippi 1960; the Mississippi Legislature, in 1960, enacted Senate Bill No. 1883, Chapter 449, General Laws of Mississippi 1960, effective date April 15, 1960, but asserts that said acts and resolution themselves are the best evidence of their respective contents.

(59)

This Defendant Registrar denies all the averments of Paragraph 59 of the complaint, as amended, except in reference to destruction of certain registration application forms, and as to this he makes the following explanation: acting under authority of Section 3209.6 of the Mississippi Code of 1942, as Amended, this Defendant destroyed a number of registration application forms of those applicants who passed the voter registration test but has at all times kept and now has on hand all application forms of those who failed the test for registration. This Defendant has not destroyed any records pertaining to registration or voting since being apprized of the provisions of Title III of the Civil Rights Act of 1960.

(60)

This Defendant Registrar denies that unless restrained by an order of this court that he will continue to destroy voter registration records in violation of the Constitution of the United States and the Civil Rights Act of 1960 but avers that he has maintained all voter registration records since being apprized as to the provisions of Title III of the Act of 1960 and will continue to maintain said records unless instructed by the court to do otherwise.

[fol. 391] Answer to Fourth Claim

(61)

This Defendant Registrar, in answer to Paragraph 61 of the complaint, adopts his answers to Paragraphs 1 through 34, to Paragraph 37, to Paragraphs 45 through 49, and to Paragraphs 56 through 58 of the complaint.

(62)

This Defendant Registrar for lack of information, neither admits nor denies Paragraph 62 of the complaint.

(63)

This Defendant Registrar for lack of information, neither admits nor denies Paragraph 63 of the complaint.

(64)

This Defendant Registrar for lack of information, neither admits nor denies Paragraph 64 of the complaint.

(65)

This Defendant Registrar for lack of information, neither admits nor denies Paragraph 65 of the complaint.

(66)

This Defendant Registrar denies the averments of Paragraph 66 of the complaint, except that this defendant admits that the Mississippi Legislature adopted during its 1962 session House Bill 900, House Bill 901, House Bill 901, House Bill 822, House Bill 904, and House Bill 903, and asserts that said House Bills are the best evidence of their respective contents.

[fol. 392]

(67)

This Defendant Registrar denies the averments of Paragraph 67 of the complaint.

(68)

This Defendant Registrar denies the averments of Paragraph 68 of the complaint.

(69)

This Defendant Registrar in answer to Paragraph 69 of the complaint, avers that he will continue to apply the new requirements and that he has applied the requirements but denies that said requirements are onerous requirements and denies that their enforcement and the threat of their enforcement has deterred, are deterring and will continue to deter otherwise qualified Negroes in Mississippi from applying to register to vote.

(70)

This Defendant Registrar admits that unless restrained by order of this court or some other court, he will continue to enforce the new registration requirements but denies that the effect of same has been to deprive otherwise qualified Negro citizens in Mississippi of their right to register to vote.

Wherefore, this Defendant Registrar prays that the complaint and amended complaint be dismissed and that [fol. 393] the Plaintiff be denied the relief as prayed for in the complaint.

H. K. Whittington, Circuit Clerk and Registrar of Amite County, Defendant. T. F. Badon, Attorney at Law, Liberty, Mississippi. Joe D. Gordon, Attorney at Law, Liberty, Mississippi. Joe T. Patterson, Attorney General of the State of Mississippi. Will S. Wells, Dugas Shands, Guy N. Rogers, and William A. Allain, Assistant Attorneys General for the State of Mississippi. Peter M. Stockett, Jr. and Charles Clark, Special Assistant Attorneys General of the State of Mississippi. By: T. F. Badon, Attorney.

Certificate of service (omitted in printing.)

[fol. 394]

[File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

Civil Action No. 3312

[Title omitted]

ANSWER ON BEHALF OF ROSS R. BARNETT, JOE T. PATTERSON,
AND HEBER A. LADNER, AS MEMBERS OF THE MISSISSIPPI
STATE BOARD OF ELECTION COMMISSIONERS—Filed May 13,
1963

First Defense

The Complaint fails to state a claim against this Defendant upon which relief can be granted.

Second Defense

This Court as composed lacks jurisdiction over the subject matter of this action and over this Defendant.

[fol. 395]

Third Defense

Answer to First Claim

1. This Defendant denies the allegations of Paragraph 1 of the Complaint.

2. This Defendant denies the allegation of Paragraph 2 of the Complaint; and would state that the State of Mississippi is not a proper party to this action and cannot be joined as a party Defendant for the reason that Section 601 (b) of the Civil Rights Act of 1960 is unconstitutional on its face.

3. This Defendant admits that Ross R. Barnett, Joe T. Patterson and Heber A. Ladner are members of the Mississippi State Board of Election Commissioners by virtue of their official positions as Governor, Attorney General and Secretary of State, respectively, and admits that the

offices of said Defendants are in the State Capitol, Jackson, Mississippi, but denies that the State Board of Election Commissioners is an agency of the Defendant State of Mississippi.

4. This Defendant admits the allegations of Paragraph 4 of the Complaint.

5. This Defendant admits the allegations of Paragraph 5 of the Complaint.

6. This Defendant admits the allegations of Paragraph 6 of the Complaint.

7. This Defendant admits the allegations of Paragraph 7 of the Complaint.

8. This Defendant admits the allegations of Paragraph 8 of the Complaint.

[fol. 396] 9. This Defendant admits the allegations of Paragraph 9 of the Complaint.

10. This Defendant denies that registrars of voters in Mississippi are agents of the Mississippi State Board of Election Commissioners and of the State of Mississippi; and denies that said registrars administered and enforced the Mississippi Constitutional and Statutory Provisions which set out the requirements and procedures for the registration of voters. The said registrars are appointees, but not agents, of the Mississippi State Board of Election Commissioners. They perform only those duties imposed upon them by the statutes of Mississippi.

11. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11 of the Complaint.

12. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 12 of the Complaint.

13. This Defendant denies the allegations of Paragraph 13 of the Complaint.

14. This Defendant denies the allegations of Paragraph 14 of the Complaint.

15. This Defendant denies the allegations of Paragraph 15 of the Complaint.

16. This Defendant denies the allegations of Paragraph 16 of the Complaint, except this Defendant admits that in 1890 a Mississippi Constitutional Convention adopted a new State Constitution.

[fol. 397] 17. This Defendant denies the allegations of Paragraph 17 except that this Defendant admits that the Mississippi Constitution of 1890 contains Section 244, and asserts that said Section itself is the best evidence of its content.

18. This Defendant admits that registration has been a prerequisite for voting since at least 1892, in fact, since the Constitution of 1869, in any election in Mississippi. This Defendant denies that registration in Mississippi is permanent and affirmatively states that new registrations are authorized by statute whenever the conditions specified in the statutes existed.

19. This Defendant denies the allegations of Paragraph 19 of the Complaint.

20. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 20 of the Complaint.

21. This Defendant denies the allegations of Paragraph 21 of the Complaint and each of the subparagraphs thereunder.

22. This Defendant admits the allegations of Paragraph 22 except that this Defendant admits that the Court of Appeals for the Fifth Circuit in the case of *Peay v. Cox*, 190 F. 2d 123, spoke in dicta of the either/or elements of Section 244 of the Mississippi Constitution of 1890. The rationale of this case was that where an administrative remedy is available it must be exhausted before injunction may be had to control the registrar in the conduct of his office.

[fol. 398] 23. This Defendant admits the allegations of Paragraph 23 of the Complaint.

24. This Defendant admits that in 1952 the Mississippi Legislature passed a joint resolution proposing an amendment to Section 244 of the Mississippi Constitution of 1890, but asserts that said resolution itself is the best evidence of its content. This Defendant further admits that the proposed amendment was submitted to the voters in a general election but was not adopted for the reason that a majority of the qualified electors voting in said election did not vote for the proposed amendment.

25. This Defendant denies that the Legislature of the State of Mississippi did not meet in 1953, and affirmatively.

states that said Legislature did meet in 1953 in an extraordinary session. This Defendant denies the remainder of the allegations contained in Paragraph 25 of the Complaint except that this Defendant admits that the Legislature of the State of Mississippi adopted by a concurrent resolution a proposed amendment to Section 244 of the Constitution of 1890 of the State of Mississippi, being Senate Concurrent Resolution No. 13, Chapter 427 of the General Laws of Mississippi of 1954, and asserts that said resolution, itself, is the best evidence of its content.

26. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 26 of the Complaint.

27. This Defendant denies the allegations of Paragraph 27 of the Complaint. The proposed amendment to Section [fol. 399] 244 of the Constitution of 1890 of the State of Mississippi was designed to upgrade the electorate of Mississippi by requiring every person seeking to become a qualified elector, regardless of his or her race, color, or previous condition of servitude, to be able to read and write any section of the Constitution of this State and to give a reasonable interpretation thereof. Its provisions bear on persons alike regardless of race, color or previous condition of servitude. If anyone is disqualified by reason thereof, his or her disqualification stems from his or her inability to read and write any section of the Constitution of this State and to give a reasonable interpretation thereof, not from his or her race, color, or previous condition of servitude.

28. This Defendant denies the allegations of Paragraph 28 except that this Defendant admits that during a regular 1954 session of the Mississippi Legislature, a concurrent resolution was adopted by the House of Representatives, April 7, 1954, and by the Senate, April 28, 1954, which established the Legal Educational Advisory Committee, and asserts that said resolution is the best evidence of its content.

29. This Defendant denies that in 1954 the Supreme Court declared that state operation of racially segregated schools was unconstitutional. As to the remaining allegations contained in this paragraph having to do with the formation of citizens councils, their purpose and their

projects, this Defendant is without knowledge or information [fol. 400] sufficient to form a belief as to the truth of these allegations, and, therefore, deny the same.

30. This Defendant denies the allegations of Paragraph 30 of the Complaint, except that this Defendant admits that the Mississippi Legislature met in September of 1954 in an extraordinary session and adopted House Concurrent Resolution No. 2, Chapter 39, General Laws of Mississippi, Extraordinary Session of 1954 and 1955, and asserts that said resolution is the best evidence of its contents.

31. This Defendant admits the allegations of Paragraph 31 except that this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations that on November 2, 1954, there were approximately 472,000 registered voters in Mississippi who were eligible to vote on the proposed amendment to Section 244 of the Mississippi Constitution of 1890, and that about 95% of said voters were white and fewer than 5% were negroes. This Defendant also denies that the amendment was adopted in a state where the public education facilities provided for negroes were and/or are inferior to those provided for white people.

32. This Defendant denies the allegations of Paragraph 32, except that this Defendant admits that on December 21, 1954, a proposed amendment to the Mississippi Constitution designated Article 8, Section 213-B was submitted to and approved by the voters, and asserts that said amendment is the best evidence of its contents.

[fol. 401] 33. This Defendant admits the allegations of Paragraph 33 and affirmatively states that said extraordinary session was also called for the other purposes set forth in the proclamation of Hugh White, Governor, dated December 29, 1954.

34. This Defendant denies the allegations of Paragraph 34 of the Complaint, except this Defendant admits that the Mississippi Legislature adopted House Bill No. 95, Chapter 102, and Senate Bill No. 1216, Chapter 104, of the Laws of the Extraordinary Session of the Mississippi Legislature, 1955, and asserts that said House Bill and Senate Bill are the best evidence of their contents.

35. This Defendant denies the allegations of Paragraph 35 of the Complaint.

36. This Defendant admits the allegations of Paragraph 36 of the Complaint. This Defendant is informed and believes that all registrars of voters in the State of Mississippi have enforced the provisions of Section 244, as amended, since its amendment when members of the white race have attempted to register to vote.

37. This Defendant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 37 of the Complaint.

38. This Defendant denies the allegations of Paragraph 38 of the Complaint and all subparagraphs thereunder.

39. This Defendant denies the allegations of Paragraph 39 of the Complaint and asserts that the Constitution of the State of Mississippi is the best evidence of its contents.

[fol. 402] 40. This Defendant denies the allegations of Paragraph 40 of the Complaint.

41. This Defendant denies the allegations of Paragraph 41 of the Complaint.

42. This Defendant denies the allegations of Paragraph 42 of the Complaint and the subparagraphs thereunder.

43. This Defendant denies the allegations of Paragraph 43 of the Complaint as to the acts and actions of this Defendant.

Answer to Second Claim

44. This Defendant, in answer to Paragraph 44 of the Complaint, adopts its answers to Paragraphs 1 through 34, and to Paragraph 37, of the Complaint.

45. This Defendant denies the allegations of Paragraph 45 of the Complaint except that this Defendant admits that in 1960, the Mississippi Legislature passed a joint resolution to amend Article 12 of the Constitution of 1890, to include a new section (241-A) which resolution is the best evidence of its contents, and this Defendant admits that on November 8, 1960, the proposed addition to Article 12 of the Constitution was submitted to and adopted by the voters. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations that approximately 525,000 registered voters in Mississippi were eligible to vote on said proposed amendment and that about 95% were white and fewer than 5% were negro.

[fol. 403] 46. This Defendant admits the allegations of Paragraph 46 of the Complaint.

47. This Defendant admits the allegations of Paragraph 47 of the Complaint except that this Defendant is without knowledge or information sufficient to form a belief as to the last sentence of said paragraph.

48. This Defendant admits the allegations of Paragraph 48 of the Complaint.

49. This Defendant denies the allegations of Paragraph 49 of the Complaint, except this Defendant admits that the Mississippi Legislature adopted, in 1962, House Bill No. 899, Chapter 575, General Laws of Mississippi 1962; House Bill No. 905, Chapter 659, General Laws of Mississippi 1962; House Bill No. 822, Chapter 572, General Laws of Mississippi 1962; and House Bill No. 904, Chapter 573, General Laws of Mississippi 1962, but asserts that said House Bills are the best evidence of their contents.

50. This Defendant denies the allegations of Paragraph 51 of the Complaint and the subparagraphs thereunder.

51. This Defendant denies the allegations of Paragraph 51 of the Complaint and the subparagraphs thereunder.

52. This Defendant denies the allegations of Paragraph 52 of the Complaint.

53. This Defendant denies the allegations of Paragraph 53 of the Complaint and the subparagraphs thereunder.

[fol. 404] 54. This Defendant denies the allegations of Paragraph 54 of the Complaint as to the act and action of this Defendant.

Answer to Third Claim

55. This Defendant, in answer to Paragraph 55 of the Complaint, adopts its answer to Paragraphs 1 through 34, and to Paragraph 37 and to Paragraphs 45 through 49, of the Complaint.

56. This Defendant denies Paragraph 56 of the Complaint, except that this Defendant admits that the Mississippi Legislature, in 1955, adopted House Bill No. 95, Chapter 102, General Laws of Mississippi, extraordinary sessions of 1954 and 1955, but asserts that said House Bill is the best evidence of its contents.

57. This Defendant denies the allegations of Paragraph 57 of the Complaint, except this Defendant admits that in 1957 the Congress of the United States enacted the Civil

Rights Act of 1957, but asserts that said Act itself constitutes and contains the best evidence of its contents. This Defendant denies that said act vest the Attorney General of the United States with authority to bring civil actions to protect the right to vote without *distinction* of race or color.

58. This Defendant denies the allegations of Paragraph 58 of the Complaint, except this Defendant admits that in 1960, the Congress of the United States passed Title III of the 1960 Civil Rights Act on May 6, 1960; that the Mississippi Legislature, in 1960, adopted House Concurrent Resolution No. 36, Chapter 510, General Laws of Mississippi [fol. 405] 1960; the Mississippi Legislature, in 1960, enacted Senate Bill No. 1883, Chapter 449, General Laws of Mississippi 1960, effective date April 15, 1960, but asserts that said acts and resolution themselves are the best evidence of their respective contents.

59. This Defendant denies the allegations of Paragraph 59 of the Complaint except that this Defendant admits that it is advised that some registration application forms, including some forms received by Defendant, H. K. Whittington in Amite County, Mississippi, have been destroyed.

60. This Defendant denies the allegations of Paragraph 60 of the Complaint.

Answer to Fourth Claim

61. This Defendant, in answer to Paragraph 61 of the Complaint, adopts its answers to Paragraphs 1 through 34, to Paragraph 37, to Paragraphs 45 through 49, and to Paragraphs 56 through 58, of the Complaint:

62. This Defendant denies the allegations of Paragraph 62 of the Complaint.

63. This Defendant admits the allegations of Paragraph 63 of the Complaint.

64. This Defendant denies the allegations of Paragraph 64 of the Complaint, except this Defendant admits that in March, 1962, the second hearing was held in the United States District Court for the Southern District of Mississippi on a motion for a preliminary injunction in an action by the United States against the Registrar of voters of Forrest County, and asserts that the record of said hearing is the best evidence of said proceedings.

[fol. 406] 65. This Defendant denies the allegations of Paragraph 65 of the Complaint, except this Defendant admits that on April 10, 1962, the United States Court of Appeals for the Fifth Circuit granted an injunction pending appeal against the Registrar voters of Forrest County, Mississippi, and the Sta of Mississippi, and asserts that said injunction is the best evidence of its contents.

66. This Defendant denies the allegations of Paragraph 66 of the Complaint, except that this Defendant admits that the Mississippi Legislature adopted during its 1962 session House Bill 900, House Bill 901, House Bill 905, House Bill 822, House Bill 904, and House Bill 903, and asserts that said House Bills are the best evidence of their respective contents.

67. This Defendant denies the allegations of Paragraph 67 of the Complaint and the subparagraphs thereunder.

68. This Defendant denies the allegations of Paragraph 68 of the Complaint.

69. This Defendant denies the allegations of Paragraph 69 of the Complaint.

70. This Defendant denies the allegations of Paragraph 70 of the Complaint.

This Defendant denies that Complainant is entitled to any relief in this action.

State of Mississippi, by Joe T. Patterson, Attorney General for the State of Mississippi, Jackson, Mis-
[fol. 407] sissippi. Will S. Wells, Dugas Shands,
Guy N. Rogers and William A. Allain, Assistant
Attorneys General for the State of Mississippi.
Peter M. Stockett, Jr. and Charles Clark, Special
Assistant Attorneys General for the State of Mis-
sissippi. By Charles Clark, Special Assistant
Attorney General for the State of Mississippi, One
of the Attorneys of Record for Defendants.

Certificate of service (omitted in printing.)

[fol. 408]

[File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

Civil Action No. 3312

[Title omitted]

ANSWER ON BEHALF OF MRS. PAULINE EASLEY, CIRCUIT CLERK
AND REGISTRAR OF CLAIBORNE COUNTY—Filed May 13, 1963.

First Defense

The Complaint fails to state a claim against this Defendant upon which relief can be granted.

Second Defense

This Court as composed lacks jurisdiction over the subject matter of this action and over this Defendant.

Third Defense

1. This Defendant denies the allegations of Paragraph 1 of the Complaint.

[fol. 409] 2. She admits that the State of Mississippi is joined pursuant to Section 601 (b) of the Civil Rights Act of 1960, but denies that the State of Mississippi is properly joined herein.

3. She admits the allegations of Paragraph 3 of the Complaint insofar as it states the names of the Mississippi State Board of Election Commissioners, and their addresses, and the capacity in which they hold the above office; but denies that the Board is an agency of the State of Mississippi within the meaning of paragraph 601(b) of the Civil Rights Act of 1960.

4. She admits the allegations of Paragraph 4 of the Complaint.

5. She admits the allegations of Paragraph 5 of the Complaint.

6. She admits the allegations of Paragraph 6 of the Complaint.

7. She admits the allegations of Paragraph 7 of the Complaint.

8. She admits the allegations of Paragraph 8 of the Complaint.

9. She admits the allegations of Paragraph 9 of the Complaint.

10. She denies the allegations of agents in Paragraph 10 of the Complaint, and denies that they "enforce" the Mississippi Constitution and statutory provisions which set out the requirements and procedures for the registration of voters, but says that they perform only those actions in regard to procedures and requirements for registration of voters as are required of them by the statutes and Constitution of the State of Mississippi.

11. She denies the allegations of Paragraph 11 of the Complaint.

12. She denies the allegations and statistics of Paragraph 12 of the Complaint; and shows that these are not pertinent herein, as both figures on voting age population and registration may contain enumerations of parties who because of residence requirements, may not be qualified, and that the number registered may include parties who have died, or have moved from the county or precinct in which they are registered, but whose names have not been taken off or purged from the rolls.

13. She denies the allegations of Paragraph 13 of the Complaint.

14. She denies the allegations of Paragraph 14 of the Complaint, as even prior to 1890, registration was required to qualify anyone for voting.

15. She denies the allegations of Paragraph 15 of the Complaint.

16. She admits the allegations of Paragraph 16 of the Complaint that in 1890 a new State Constitution was adopted; but she denies the remainder of the allegations therein.

17. She denies the allegations of Paragraph 17 of the Complaint.

18. She admits the allegations of Paragraph 18 of the Complaint as to registration being a prerequisite to voting; but she denies that registration is permanent.

19. She denies the allegations of Paragraph 19 of the Complaint.

[fol. 411] 20. On information and belief, she denies the allegations of Paragraph 20 of the Complaint.

21. She denies the allegations of Paragraph 21 of the Complaint.

22. She is without information to admit or deny the allegations of Paragraph 22 of the Complaint.

23. She admits the allegations of Paragraph 23 of the Complaint; except that she says that she is informed and believes that the general standards of literacy of all persons, and all races, has increased since 1890.

24. She admits the passage of the joint resolution mentioned in Paragraph 24 of the Complaint, and the statement of the contents thereof, and its submission to the voters; but she denies the conclusion drawn in the Complaint as to the way the vote was counted.

25. She denies that the Legislature of the State of Mississippi did not meet in 1953, and affirmatively states that said Legislature did meet in 1953 in an extraordinary session. This Defendant denies the remainder of the allegations contained in Paragraph 25 of the Complaint except that this Defendant admits that the Legislature of the State of Mississippi adopted by a concurrent resolution a proposed amendment to Section 244 of the Constitution of 1890 of the State of Mississippi, being Senate Concurrent Resolution No. 18, Chapter 427 of the General Laws of Mississippi of 1954, and asserts that said resolution, itself, is the best evidence of its content.

26. She denies from lack of information the allegations of Paragraph 26 of the Complaint.

[fol. 412] 27. She denies the allegations of Paragraph 27 of the Complaint.

28. She admits the allegations of Paragraph 28 of the Complaint as to the creation of the Legal Educational Advisory Committee; but denies the remainder of the allegations therein.

29. She denies the allegations of Paragraph 29 of the Complaint.

30. She denies the allegations of Paragraph 30 of the Complaint, except that this Defendant admits that the Mississippi Legislature met in September of 1954 in an extraordinary session and adopted House Concurrent Resolution No. 2, Chapter 39, General Laws of Mississippi,

Extraordinary Session of 1954 and 1955, and asserts that said resolution is the best evidence of its contents.

31. She admits the allegations of Paragraph 31 of the Complaint as to the proposed amendment being submitted to the voters; she denies for lack of information the allegations regarding the number of registered voters, or any percentage thereasto, as to race; she denies the remainder of the allegations of this paragraph.

32. She denies the allegations of Paragraph 32 of the Complaint, except that this Defendant admits that on December 21, 1954, the proposed amendment to the Mississippi Constitution was submitted to and approved by the voters, but asserts that said amendemnt is the best evidence of its contents.

33. She admits the allegations of Paragraph 33 of the Complaint and affirmatively states that said extraordinary session was also called for the other purposes set forth in the proclamation of Hugh White, Governor, dated Decem-[fol. 413] ber 29, 1954.

34. She denies the allegations of Paragraph 34 of the Complaint, except this Defendant admits that the Mississippi Legislature adopted House Bill No. 95, Chapter 102, and Senate Bill No. 1216, Chapter 104, of the Laws of the Extraordinary Session of the Mississippi Legislature, 1955, and asserts that said House Bill and Senate Bill are the best evidence of their contents.

35. She denies the allegations of Paragraph 35 of the Complaint.

36. She admits the allegations of Paragraph 36 of the Complaint as to the fact that she has applied the provisions of Section 244, as amended; and says that she does this when any person whatsoever presents themselves and requests to register to vote, making no distinction between any persons so presenting themselves for any reason.

37. For lack of information, she denies the allegations of Paragraph 37 of the Complaint.

38. She denies the allegations of Paragraph 38 of the Complaint.

39. She denies the allegations of Paragraph 39 of the Complaint and asserts that the Constitution of the State of Mississippi is the best evidence of its contents.

40. She denies the allegations of Paragraph 40 of the

Complaint; she shows that in the democratic, republican form of government it can be administered most effectively only if the electors can comprehend and understand the matters which might be submitted to them for voting; and that an attempt to upgrade the education of the electors is [fol. 414] in the furtherance of a good, democratic, republican government. No definition of a democratic, republican government calls for universal suffrage to all.

41. She admits that she uses and will continue to use the interpretation test and the duties and obligations test in receiving applicants to register, but shows that this is done for all persons of all races; and that these are not done to deprive anyone of the right to register to vote; that anyone who meets the requirements of the laws of the state for registration, including the passing of the tests, is registered, regardless of their race; she denies the threat of the enforcements of these tests as alleged in this paragraph has deterred, or does deter, or will continue to deter anyone from applying for registration to vote.

42. She denies the allegations of Paragraph 42 of the Complaint and the subparagraphs thereunder.

43. She admits the allegations of Paragraph 43 of the Complaint to the extent that she will continue to abide by the requirements set out in the Mississippi Constitution and laws in the registration of voters, but denies that she has any other enforcement duties in this matter.

Answer to Second Claim

44. Answering Paragraph 44 of the Complaint, the paragraphs which are incorporated in the second claim, thereby, are admitted or denies as set out hereinabove for the particular paragraphs.

45. She denies the allegations of Paragraph 45 of the Complaint except that she admits that in 1960, the Mississippi [fol. 415] Legislature passed a joint resolution to amend Article 12 of the Constitution of 1890, to include a new section (241-A) which resolution is the best evidence of its contents, and this Defendant admits that on November 8, 1960, the proposed addition to Article 12 of the Constitution was submitted to and adopted by the voters. She is without knowledge or information sufficient to form a belief as to the truth of the allegations that approximately

525,000 registered voters in Mississippi were eligible to vote on said proposed amendment and that about 95% were white and fewer than 5% were negro.

46. She admits the allegations of Paragraph 46 of the Complaint.

47. For lack of information she denies the allegations of Paragraph 47 of the Complaint.

48. For lack of information she denies the allegations of Paragraph 48 of the Complaint.

49. She denies the allegations of Paragraph 49 of the Complaint, except this Defendant admits that the Mississippi Legislature adopted, in 1962, House Bill No. 899; Chapter 575, General Laws of Mississippi 1962; House Bill No. 905, Chapter 569, General Laws of Mississippi 1962; House Bill No. 822, Chapter 572, General Laws of Mississippi 1962; and House Bill No. 904, Chapter 573, General Laws of Mississippi 1962, but asserts that said House Bills are the best evidence of their contents.

50. She denies the allegations of Paragraph 50 of the Complaint and the subparagraphs thereunder.

51. She denies the allegations of Paragraph 51 of the Complaint and the subparagraphs thereunder.

[fol. 416] 52. She denies the allegations of Paragraph 52 of the Complaint.

53. She denies the allegations of Paragraph 53 of the Complaint.

54. She admits that she will continue to apply the standards of Section 241-A of the Constitution, but denies that she has any further enforcement rights thereasto.

Answer to Third Claim

55. Answering Paragraph 55 to the Complaint, as to the paragraphs incorporated therein by reference, she either admits or denies these, as more particularly hereinabove set out in this Answer.

56. She denies Paragraph 56 of the Complaint, except that she admits that the Mississippi Legislature, in 1955, adopted House Bill No. 95, Chapter 102, General Laws of Mississippi, extraordinary sessions of 1954 and 1955, but asserts that said House Bill is the best evidence of its contents.

57. She denies the allegations of Paragraph 57 of the Complaint, except this Defendant admits that in 1957 the Congress of the United States enacted the Civil Rights Act of 1957, but asserts that said Act itself constitutes and contains the best evidence of its contents. This Defendant denies that said act vest the Attorney General of the United States with authority to bring civil actions to protect the right to vote without *distinction* of race or color.

58. This Defendant denies the allegations of Paragraph 58 of the Complaint, except that she admits that in 1960, the Congress of the United States passed Title III of the 1960 Civil Rights Act on May 6, 1960; that the Mississippi [fol. 417] Legislature, in 1960, adopted House Concurrent Resolution No. 36, Chapter 510, General Laws of Mississippi 1960; the Mississippi Legislature, in 1960, enacted Senate Bill No. 1883, Chapter 449, General Laws of Mississippi 1960, effective date April 15, 1960, but asserts that said acts and resolution themselves are the best evidence of their respective contents.

59. She denies the allegations of Paragraph 59 of the Complaint as to the purpose and effect of the statute; she admits that some registration and application forms may have been destroyed, both by her and by others; but says that when they were destroyed, it was done so in ignorance of the passage of Title III of the Civil Rights Act of 1960, and of the contents thereof, and not for any willful purpose; and further says that as soon as she learned of the contents of said Title III of the Civil Rights Act of 1960, she commenced keeping all application forms as provided therein; she denies all of the other allegations in said paragraph.

60. She denies the allegations of Paragraph 60 of the Complaint.

Answer to Fourth Claim

61. Answering Paragraph 61 of the Complaint, as to the paragraphs incorporated therein by reference, she either admits or denies these paragraphs as more particularly answered hereinabove.

62. For lack of information, she denies the allegations of Paragraph 62 of the Complaint.

63. For lack of information, she denies the allegations of Paragraph 63 of the Complaint.

64. For lack of information, she denies the allegations of Paragraph 64 of the Complaint.

[fol. 418] 65. For lack of information, she denies the allegations of Paragraph 65 of the Complaint.

66. Answering Paragraph 66 of the Complaint, she admits the adoption of the particular laws of the State of Mississippi set out therein, but denies that these were a package of legislation, and denies the allegations of purpose and effect thereof, and the other allegations contained in said paragraph.

67. She denies the allegations of Paragraph 67 of the Complaint and the subparagraphs thereunder.

68. She denies the allegations of Paragraph 68 of the Complaint.

69. Answering Paragraph 69 of the Complaint, she says that she applies the provisions of law and registering to all prospective voters, regardless of race or color or any other reason; and that she will continue to follow the requirements of said law in so doing; but she denies all of the other allegations contained in said paragraph, as amended.

70. Answering Paragraph 70 of the Complaint, she says that she will apply the registration laws of the state to all parties, and that she has not and will not use them to deny registration to any qualified applicant to vote, whether negro, white, or any other race; and that these have been, and are being applied by her without distinction of race or color.

This Defendant denies that Complainant is entitled to any relief in this action.

Mrs. Pauline Easley, Circuit Clerk and Registrar of Claiborne County. By Joe T. Drake, Jr., Attorney. [fol. 419] By: Joe T. Patterson, Attorney General for the State of Mississippi. Will S. Wells, Dugas Shands, Guy N. Rogers and William A. Allain, Assistant Attorneys General of the State of Mississippi. Peter N. Stockett, Jr. and Charles Clark, Special Assistant Attorneys General for the State of Mississippi. By —, —, Attorneys of Record for Mrs. Pauline Easley, Defendant.

[fol. 420] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR SOUTHERN
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

Civil Action No. 3312

[Title omitted]

ANSWER OF J. W. SMITH CIRCUIT CLERK AND REGISTRAR
OF COAHOMA COUNTY—Filed May 13, 1963

Defendant, J. W. Smith, Circuit Clerk and Registrar of
Coahoma County, hereinafter referred to as "this De-
fendant," says:

Answer to First Claim

(1) This Defendant denies that this Court has jurisdic-
tion of this action.

(2) This Defendant denies the averments of Paragraph 2
of the Complaint.

(3) This Defendant admits the averments of Paragraph
3 of the Complaint with the exception that he denies that
the State Board of Election Commissioners is an agency of
the State of Mississippi within the purview of #601 (b) of
the Civil Rights Act of 1960.

(4) This Defendant admits the averments of Paragraph
4 of the Complaint.

(5) This Defendant admits the averments of Paragraph
5 of the Complaint.

(6) This Defendant admits the averments of Paragraph
6 of the Complaint.

[fol. 421] (7) This Defendant admits the averments of
Paragraph 7 of the Complaint.

(8) This Defendant admits the averments of Paragraph
8 of the Complaint.

(9) This Defendant admits the averments of Paragraph
9 of the Complaint.

(10) This Defendant denies that registrars of voters in
Mississippi, including this Defendant registrar, are agents

of the Mississippi State Board of Election Commissioners and of the State of Mississippi; and denies that said registrars administer and enforce the Mississippi constitutional and statutory provisions which set out the requirements and procedures for the registration of voters. The said registrars are appointees, but not agents, of the Mississippi State Board of Election Commissioners. They perform only those duties imposed upon them by the statutes of Mississippi.

(11) This Defendant denies that all registrars of voters in the State of Mississippi since at least 1892 have been white citizens.

(12) This Defendant denies that there are now, or were at the time of the filing of the Complaint, approximately 8,376 whites registered on the registration books of Coahoma County, and denies that there are now, or were at the time of the filing of the Complaint, approximately 1,371 negroes registered on the registration books of Coahoma County. The registration books from which those figures were taken include the names of all whites and negroes registered on the registration books of Coahoma County [fol. 422] since 1949, except for a very few deletions, and include the names of countless whites and negroes who have died since 1949, or have moved from the county since 1949, and whose names have not been purged from the registration books. He also calls attention to the fact that the "voting age population" has no significance unless there is excluded therefrom the number of those whites and negroes twenty-one years and upwards who have not resided in Mississippi for two years and one year in the election district, or in the incorporated city or town in which he offers to vote. For answer to the remaining averments of Paragraph 12 of the Complaint, this Defendant hereby adopts the answers of the other Defendant registrars to the averments of Paragraph 12 of the Complaint as his answers thereto.

(13) This Defendant denies the averments of Paragraph 13 of the Complaint.

(14) This Defendant denies the averments of Paragraph 14 of the Complaint. Under the Constitution of the State of Mississippi prior to 1890, no inhabitant of this state who had not been duly registered according to the requirements thereof was a qualified elector.

(15) This Defendant denies the averments of Paragraph 15 of the Complaint.

(16) This Defendant denies the averments of Paragraph 16 of the Complaint except the averment that in 1890 a Mississippi Constitutional Convention adopted a new State Constitution.

(17) This Defendant denies the averments of Paragraph 17 of the Complaint. Section 244 of the 1890 Constitution of the State of Mississippi was designed to upgrade the electorate of Mississippi by requiring every elector, regard- [fol. 423] less of his or her race, color, or previous condition of servitude, to be able to read any section of the Constitution of the State of Mississippi, or able to understand the same when read to him, or able to give a reasonable interpretation thereof.

(18) Registration has been a prerequisite for voting since the adoption of the 1869 Constitution of the State of Mississippi. New registrations are authorized by statute whenever the conditions specified in the statute exist.

(19) This Defendant denies the averments of Paragraph 19 of the Complaint.

(20) This Defendant denies the averments of Paragraph 20 of the Complaint and points out that any decline in negro registration was due to the fact that a declining percentage of negroes presented themselves to the registrars for registration. Apathy and the indifference of negroes toward the responsibilities of citizenship account for that fact.

(21) This Defendant denies the averments of Paragraph 21 of the Complaint. During the period of time from 1899 to 1952:

(a) Qualified negroes were allowed to register to vote in Coahoma County.

(b) Literate negroes were not required to interpret sections of the Mississippi Constitution as a condition to registration on the registration books of Coahoma County.

[fol. 424] (c) Qualified negro electors were not excluded from Democratic primary elections in Coahoma County.

(22) The decision of the United States Court of Appeals for the Fifth Circuit mentioned in Paragraph 22 of the

Complaint, was made in *Peay v. Cox*, 190 F.2d 123, which was a suit for an injunction against a registrar on the ground that he had misconstrued Section 244 of the Constitution of 1890 of the State of Mississippi by requiring applicants for registration who could read to interpret a section of that constitution as a condition precedent to registration. The decision was to the effect that appellants would have to first resort to the administrative remedies provided by the laws of Mississippi for those who claimed that they have been illegally denied registration by a registrar and the emphasis of the decision was on the fact that Mississippi has provided, for those who claim that they have been illegally denied registration by a registrar, an administrative remedy which is simple, cheap and effective.

(23) This Defendant admits that in 1951 a higher percentage of negroes of voting age were literate than in 1890.

(24) In 1952 a proposed amendment to Section 244 of The Constitution of the State of Mississippi, such as is described in Paragraph 24 of the Complaint, was passed by a two-thirds vote of each house of the Legislature, and was thereafter submitted to the voters in a general election. It failed because a majority of the qualified electors voting in the election did not vote for the proposed amendment, as was required for the adoption of an amendment to the constitution by Section 273 of the Constitution of the State of Mississippi.

(25) This Defendant denies the averments of the first sentence of Paragraph 25 of the Complaint. During the regular 1954 session of the Mississippi Legislature, a proposed amendment to Section 244 of the Constitution of 1890 of the State of Mississippi was adopted by the Senate, March 29, 1954, and by the House of Representatives, April 22, 1954. It reads as follows:

"Section 244. Every elector shall, in addition to the foregoing qualifications be able to read and write any section of the Constitution of this State and give a reasonable interpretation thereof to the county registrar. He shall demonstrate to the county registrar a reasonable understanding of the duties and obligations of citizenship under a constitutional form of government.

"The person applying to register shall make a sworn, written application for registration on a form to be prescribed by the State Board of Election Commissioners, exhibiting therein the essential facts and qualifications necessary to show that he is entitled to register and vote, said application to be entirely written, dated and signed by the applicant in the presence of the county registrar, without assistance or suggestion from any person or memorandum whatever; provided, however, that if the applicant is unable to write his application by reason of physical disability, the same upon his oath of such disability, shall be [fol. 426] written at his unassisted dictation by the county registrar.

"Any new or additional qualifications herein imposed shall not be required of any person who was a duly registered and qualified elector of this state prior to January 1, 1954.

"The Legislature shall have the power to enforce the provisions of this section by appropriate legislation."

(26) This Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 26 of the Complaint.

(27) This Defendant denies the averments of Paragraph 27 of the Complaint. The proposed amendment to Section 244 of the Constitution of 1890 of the State of Mississippi plainly and clearly requires every qualified elector, regardless of his or her race, color, or previous condition of servitude, to be able to read and write any section of the Constitution of this state and to give a reasonable interpretation thereof. Its provisions bear on whites and blacks alike. If anyone is disqualified by reason thereof, his or her disqualification stems from his or her inability to read and write any section of the Constitution of this state and to give a reasonable interpretation thereof, not from his or her race, color, or previous condition of servitude.

(28) This Defendant denies the averments of Paragraph 28 except that Defendant admits that during the regular 1954 session of the Mississippi Legislature, a concurrent

resolution was adopted by the House of Representatives, [fol. 427] April 7, 1954, and by the Senate, April 28, 1954, whereby The Legal Educational Advisory Committee was established and charged as follows:

"Said committee shall formulate a plan or plans of legislation, prepare drafts of suggested laws, and recommend courses of action for consideration by the Legislature whereby the state may, by taxation or otherwise, provide education and/or assistance in obtaining education for all of its citizens *consistent with the provisions of the Constitution of the United States and the Constitution of the State of Mississippi.*"

(29) This Defendant denies that in 1954 the Supreme Court declared that state operation of racially segregated schools was unconstitutional. As to the remaining allegations contained in this Paragraph having to do with the formation of citizens councils, their purpose and their projects, this Defendant is without knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, deny the same.

(30) This Defendant denies the allegations of Paragraph 30 except that Defendant admits that on September 7, 1954, the Legislature of the State of Mississippi was convened in Extraordinary Session to consider an amendment to the Constitution of the State of Mississippi, as recommended by The Legal Educational Advisory Committee and as set forth in the proclamation convening the session, which is the best evidence of its contents.

[fol. 428] (31) This Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments that on November 2, 1954, there were approximately 472,000 registered voters in Mississippi qualified to vote on the proposed amendment to Section 244 of The Constitution of 1890 of the State of Mississippi, and that of that number about ninety-five percent were white and fewer than five percent were negro, but if those averments be true the disparity in the voting strength of the whites and negroes was not due to their race, color or previous condition of servitude, but in large part to the apathy and indifference of the negroes toward their responsibilities of citizenship. The said proposed amendment was adopted

and an analysis of the returns of the election wherein it was adopted will show that the votes for and against its adoption were not predetermined by the race of the voters. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the averment about the comparative quality of educational facilities provided throughout the state.

(32) On December 21, 1954, a proposed amendment to Article 8 of The Constitution of the State of Mississippi, to be numbered Section 213-B, was adopted at the election held to consider the same. An analysis of the returns of the election will show that the votes for and against its adoption were not predetermined by the race of the voters.

(33) In January 1955, an extraordinary session of the Mississippi Legislature was convened for the purpose of [fol. 429] inserting into The Constitution of the State of Mississippi the amendments adopted in the election of November 2, 1954, and December 21, 1954, and for the other purposes set forth in the proclamation of Hugh White, Governor, dated December 29, 1954.

(34) This Defendant admits the adoption of Chapters 102 and 104 of the Laws of the extraordinary session of the Mississippi Legislature, 1955. Any inconsistent allegations of Paragraph 34 are denied.

(35) This Defendant denies the averments of Paragraph 35 of the Complaint. The more stringent requirements for registration put in force by the amendment to Section 244 of the 1890 Constitution of the State of Mississippi and the legislation adopted pursuant thereto apply to every Mississippian who applies for registration, regardless of his or her race, color or previous condition of servitude. The exemption from those additional requirements granted therein to those who had registered and were qualified electors of the state prior to January 1, 1954, was given to all who fell within such category, regardless of their race, color or previous condition of servitude. Every Mississippian who was eligible for registration prior to January 1, 1954, and who neglected to register prior to January 1, 1954, has only himself or herself—not his or her race, color or previous condition of servitude—to blame for the fact that he or she thereafter became subject to the more stringent requirements imposed by the amendment of Sec-

tion 244 of the Constitution of 1890 of the State of Mississippi and the legislation adopted pursuant thereto.

[fol. 430] (36) This Defendant admits that since 1955 he has enforced the requirements of Section 244, as amended, when negroes have attempted to register to vote, by requiring negroes to interpret sections of the Mississippi Constitution and to demonstrate their understanding of the duties and obligations of citizenship on the form prescribed by the State Board of Election Commissioners. Since 1955, he has also enforced the requirements of Section 244, as amended, when whites have attempted to register to vote, by requiring whites to interpret sections of the Mississippi Constitution and to demonstrate their understanding of the duties and obligations of citizenship on the forms prescribed by the State Board of Election Commissioners.

(37) This Defendant is without knowledge or information sufficient to form a belief as to the averments contained in Paragraph 37 of the Complaint, but if those averments be true the disparity in the voting strength of the whites and negroes was not due to their race, color or previous condition of servitude but was due in large part to the apathy and indifference of the negroes towards their responsibilities of citizenship.

(38) This Defendant denies the averments of Paragraph 38 of the Complaint except that he admits that registrars of voters may select the particular section of the Constitution of the State of Mississippi which an applicant for registration is called upon to read, write and interpret. The registrars are not vested with unlimited discretion to determine the qualifications of applicants for registration. Pursuant to the provisions of Section 248 of the Constitution of 1890 of the State of Mississippi, which provides:

"Suitable remedies by appeal or otherwise shall be provided by law, to correct illegal or improper registration and to secure the elective franchise to those who may be illegally or improperly denied the same."

there has been enacted into law—

Section 2111 of the Code of 1942 Recompiled which provides that—

"If any registrar appointed by law to register votes, shall intentionally refuse or neglect to register any voter entitled to registration, or register any voter not entitled to registration, he shall be punished, on conviction, by imprisonment in the penitentiary not less than one year nor more than three years."

Section 3240 of the Code of 1942 Recompiled which requires the county election commissioners to meet on the Tuesday after the third Monday in March of every year and revise the registration books by erasing therefrom the names of all persons erroneously thereon and to register thereon the names of all persons who have only applied to be registered and have been illegally denied registration.

Section 3224 of the Code of 1942 Recompiled which provides:

"Any person denied the right to register as a voter may appeal from the decision of the registrar to the Board of Election Commissioners by filing with the [fol. 432] registrar on the same day of such denial or within five days thereafter, a written application for appeal."

Section 3226 of the Code of 1942 Recompiled which requires the county election commissioners to meet at the courthouse on the first Monday in October of every year to "hear and determine all appeals from the decisions of the registrar of their county, allowing or refusing the applications of electors to be registered; and they shall correct illegal or improper registrations, and shall secure the elective franchise, as effected by registration, to those who may be illegally or improperly denied the same."

Sections 3113 and 3226.5 of the Code of 1942 Recompiled which requires the county election commissioners to meet on the third Tuesday in May before the first primary election for congressmen in the years when congressmen are elected, and on the third Monday of July prior to any other regular election, and five days before any other election, and carefully revise the registration books by erasing therefrom the names of all persons erroneously thereon and to register thereon the names of all persons who have duly applied to be registered and have been illegally denied.

registration, and to hear and determine any appeals which may have been perfected and which are pending on said dates from the decisions of the registrar of their county allowing or refusing the applications of persons to be registered.

Sections 3239 and 3226.5 of the Code of 1942 Recompiled which requires the county election commissioners to meet on the first Monday of October preceding a general election [fol. 433] and five days before any other election, and carefully revise the registration books by erasing therefrom the names of all persons erroneously thereon and to register thereon the names of all persons who have duly applied to be registered and have been illegally denied registration, and to hear and determine any appeals which may have been perfected and which are pending on said dates from the decisions of the registrar of their county allowing or refusing the application of persons to be registered.

Section 3227 of the Code of 1942 Recompiled which provides with respect to appeals taken pursuant to Section 3224—

“All cases on appeals shall be heard by the Boards of Election Commissioners De Novo, and oral evidence may be heard by them; and they are authorized to administer oaths to witnesses before them; and they have power to subpoena witnesses, and to compel their attendance; to send for persons and papers; to require the sheriff and constables to attend them and to execute their process. The decisions of the commissioners in all cases shall be final as to questions of fact, but as to matters of law they may be revised by the circuit and Supreme Courts. The registrar shall obey the orders of the commissioners in directing a person to be registered, or a name to be stricken from the registration books.”

Section 3228 of the Code of 1942 Recompiled which gives any elector aggrieved by the decision of the county election [fol. 434] commissioners the right of appeal to the Circuit Court, on the filing of a bill of exceptions thereto.

Section 3230 of the Code of 1942 Recompiled which provides—

"Should the judgment of the Circuit Court be in favor of the right of an elector to be registered, the Court shall so order, and shall, by its judgment, direct the registrar of the county forthwith to register him."

Statutes which give any elector aggrieved by any judgment of the Circuit Court against his right to be registered the right of appeal to the Supreme Court of Mississippi. Those statutes speak for themselves.

(39) This Defendant denies the averments of Paragraph 39 of the Complaint and asserts that the Constitution of the State of Mississippi is the best evidence of its contents. This Defendant would add that in selecting the various sections of the constitution for interpretation by applicants for registration, he makes his selections without regard to the race of the applicant.

(40) This Defendant points out that the states of the union were given, by the very first Article of the Constitution of the United States, the right and duty to prescribe the qualification of voters and hence the decision as to those qualifications must be left to the states and not usurped by the federal executive or judiciary. And now [fol. 435] having done that, he denies the averments of Paragraph 40 of the Complaint. He also says that the dangers and problems inherent in the times in which we live are such that the welfare of the nation requires a literate, and informed electorate. The franchise is too precious for misuse by those who don't understand the duties and obligations of citizenship under a constitutional form of government and who can't read or write and give a reasonable interpretation of a section of our constitution.

(41) This Defendant denies the averments of Paragraph 41 of the Complaint. For emphasis, he specifically denies that the Defendant registrars have misused, or are misusing, or will misuse the interpretation test and the duties and obligations test to unconstitutionally deny registration to otherwise qualified citizens because of their race or color. He specifically denies that the existence of the interpretation test and the duties and obligations test as voter qualifications in Mississippi, their enforcement, and the threat of their enforcement have deterred, are deterring and will continue to deter otherwise qualified negroes in Mississippi.

from applying for registration to vote. Negroes, regardless of whether they are or are not qualified for registration, are not deterred from making application for registration by the existence, or the enforcement, of the interpretation test or the duties and obligation test.

(42) This Defendant denies that Section 244 of the Mississippi Constitution, as amended, is unconstitutional, and specifically denies the averments of subparagraphs (a), [fol. 436] (b), (c), (d), and (e) of Paragraph 42 of the Complaint. In addition, he reiterates the answers he has already made to those same averments as they appear elsewhere in the Complaint.

(43) This Defendant denies the averments of Paragraph 43 of the Complaint. This Defendant and his deputy will continue to enforce Section 244, as amended, and its implementing statutory provisions as qualifications for registration, but they will do so without discriminating between applicants on account of their race, color, or previous condition of servitude.

Answer to Second Claim

(44) This Defendant, in answer to Paragraph 44 of the Complaint, adopts his answers to Paragraphs 1 through 34, and to Paragraph 37, of the Complaint.

(45) During the regular 1960 session of the Mississippi Legislature, a resolution proposing an amendment to or change in Article 12 of the Mississippi Constitution of 1890 by adding thereto the following as Section 241-A thereof:

"Section 241-A. In addition to all other qualifications required of a person to be entitled to register for the purpose of becoming a qualified elector, such person shall be of good moral character."

The resolution was adopted by the Senate, April 28, 1960, and by the House of Representatives, May 5, 1960. The amendment was submitted to the qualified electors of the state for ratification or adoption at an election held November [fol. 437] 8, 1960, and was adopted. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments that on November 8, 1960, there were approximately 525,000 registered voters

in Mississippi qualified to vote on the proposed amendment to Section 241-A of The Constitution of 1890 of the State of Mississippi, and that of that number about ninety-five percent were white and fewer than five percent were negro but if those averments be true the disparity in the voting strength of the whites and negroes was not due to their race, color or previous condition of servitude, but was due in large part to the apathy and indifference of the negroes toward their responsibilities of citizenship. The said proposed amendment was adopted and an analysis of the returns of the election wherein it was adopted will show that the votes for and against its adoption were not predetermined by the race of the voters.

(46) This Defendant admits the averments of Paragraph 46 of the Complaint.

(47) This Defendant admits the allegations of Paragraph 47 of the Complaint except that this Defendant is without knowledge or information sufficient to form a belief as to the last sentence of said Paragraph.

(48) This Defendant admits the averments of Paragraph 48 of the Complaint but adds that such injunction such as is described therein as having been issued against the Registrar of Forrest County could be justifiably issued by any Court against this Defendant because this Defendant does not engage, and never has engaged, in discriminatory acts and practices based on race in the registration for voting in Coahoma County. If the Registrar of Forrest County has engaged in discriminatory acts and [fol. 438] practices based on race in the registration for voting in Forrest County, which this Defendant denies, that fact, if it be a fact, can in no way prejudice this Defendant and is immaterial and impertinent to this suit.

(49) This Defendant denies the allegations of Paragraph 49 of the Complaint, except this Defendant admits that the Mississippi Legislature adopted, in 1962, House Bill No. 899, Chapter 575, General Laws of Mississippi 1962; House Bill No. 905, Chapter 569, General Laws of Mississippi 1962; House Bill No. 822, Chapter 572, General Laws of Mississippi 1962; and House Bill No. 904, Chapter 573, General Laws of Mississippi 1962, but asserts that said House Bills are the best evidence of their contents.

(50) This Defendant denies the averments of Paragraph 50 of the Complaint. The requirement that a person to be entitled to register for the purpose of becoming a qualified elector shall be of good moral character applies to every Mississippian who applies for registration, regardless of his or her race, color, or previous condition of servitude. Registration to vote is not unconstitutionally denied or abridged on account of race, color, or previous condition of servitude, by the fact that those offering to register prior to the effective date of the legislation implementing Section 241-A of the Constitution of the State of Mississippi were not required to be of good moral character and those offering to register subsequent to such date are, and have been, subject to such requirement. That fact is applicable to all citizens, regardless of race, color, or previous condition of servitude. Every Mississippian who was eligible for registration prior to such date, and who neglected to register [fol. 439] prior to such date, has only himself or herself—not his or her race, color, or previous condition of servitude—to blame for the fact that he or she thereafter became subject to such requirement.

The good moral character requirement for registration is no more a device for discrimination against negroes than is the good moral character requirement for naturalization a device for discrimination against aliens. It does not constitute a means of discrimination which would make detection more difficult.

(51) This Defendant denies the averments of Paragraph 51 of the Complaint. Section 241-A of the Constitution of the State of Mississippi does not vest unlimited discretion in the registrars of voters to determine the good moral character of applicants for registration. The requirement is neither vague nor indefinite. It neither enables nor requires the registrars to arbitrarily determine:

- (a) What acts, practices, habits, customs, beliefs, relationships, moral standards, ideas, associations, attitudes and demeanor evidence bad moral character and what weight should be given to each.
- (b) What is evidence of good moral character and what weight should be given to affirmative evidence of it, such as school record, church membership, military

service, club memberships, personal, social and family relationships, civic interest, absence of criminal record.

[fol. 440](c) What periods of the applicant's life are to be examined for evidence relating to his character—whether the applicant's conduct during a remote period of his life is to be considered.

(d) What sources, if any, such as public records, public officials, private individuals—negro and white—will be consulted in determining the character of the applicant; or whether the determination will be made on the basis of personal knowledge, impression, newspaper accounts, rumors, or otherwise.

The phrase "good moral character," has a definite and well defined meaning, although like many such phrases its meaning can be better stated in conjunction with specific facts which bear thereon than in words designed as a formula for every occasion wherein the question of one's good moral character arises. As Congress found when it undertook to define "good moral character" in the statute which is *Section 1101 of Title 8 of U.S.C.A.*, it is necessary, in formulating such a definition, to list offenses, the commission of which prevents one from being regarded as of good moral character, and then add, just as Congress did,

"The fact that any person is not within any of the foregoing classes shall not preclude a finding that for other reasons such person is or was not of good moral character."

[fol. 441] Such discretion as is vested in a registrar by reason of Section 241-A of the Constitution of Mississippi and the legislation which implements it is limited, restricted and qualified by the statutes which have been enacted into law pursuant to Section 248 of the Constitution of 1890 of the State of Mississippi and which are set forth in Paragraph 38 of this Answer.

(52) This Defendant denies the averments of Paragraph 52 of the Complaint. Neither the existence of the character qualification, its enforcement, or the threat of its enforcement, have deterred, or are deterring, or will continue to deter qualified negro citizens in Mississippi from applying

to register to vote. No otherwise qualified negro has been deprived, or will be deprived, of his or her right to register because of the threatened use, or the use, of the character requirement. No such deprivation has occurred since the adoption of the character requirement.

(53) This Defendant denies the averments of Paragraph 53 of the Complaint. The fallacies in the specifics therein have already been pointed out.

(54) This Defendant denies the averments of Paragraph 54 of the Complaint. This Defendant and his deputy will, unless restrained by order of this Court, continue to enforce Section 241-A and its implementing statutory provisions as a qualification for registration to vote, but he adds that he will, in continuing to enforce said section and said statutory provisions, continue to do so in the manner he has hereinbefore outlined and not in the manner erroneously ascribed to him by Plaintiff.

[fol. 442] Answer to Third Claim.

(55) This Defendant, in answer to Paragraph 55 of the Complaint, adopts his answers to Paragraphs 1 through 34, and to Paragraph 37, and to Paragraphs 45 through 49, of the Complaint.

(56) This Defendant admits the adoption of Chapter 102 of the Laws of the Extraordinary Session 1955.

(57) This Defendant denies the allegations of Paragraph 57 except that this Defendant admits the adoption of the legislation which is now Section 1971 of Title 42 of the U.S.C.A.

(58) This Defendant denies the allegations of Paragraph 58 except that this Defendant admits that Congress adopted Section 1974 of Title 42 of U.S.C.A. on May 6, 1960. He also admits that the Mississippi Legislature adopted Chapter 449 of the Laws of 1960. And he points out that the latter was adopted April 15, 1960, prior to the adoption of the former and its provisions are permissive and not mandatory.

(59) This Defendant, although he admits that some forms received by a registrar may have been destroyed in ignorance of Section 1974 of Title 42 of U.S.C.A., denies the averments of Paragraph 59 of the Complaint.

(60) This Defendant denies the averments of Paragraph 60 of the Complaint. Certainly this Defendant has not heretofore destroyed voter registration records in violation of Section 1974 of Title 42 of U.S.C.A., and he has no intention of doing so.

Answer to Fourth Claim

(61) This Defendant, in answer to Paragraph 61 of the Complaint, adopts his answers to Paragraphs 1 through [fol. 443] 34, to Paragraph 37, to Paragraphs 45 through 49, and to Paragraphs 56 through 58, of the Complaint.

(62) This Defendant denies the averments of Paragraph 62 of the Complaint except that he admits that in 1962 negroes were candidates for the office of representative in the Congress of the United States.

(63) This Defendant supposes the averments of Paragraph 63 of the Complaint are true but he also assumes that many explanations, in addition to the explanation set forth in said Paragraph, were also made to the Court in that case. In any event, this Defendant denies that the explanations of counsel for Plaintiff made to the Court in that case had the repercussions attributed to it by Plaintiff. The explanations to the Court of counsel for Plaintiff in the case mentioned in said Paragraph are of small importance, even of no importance, to the people of Mississippi, and any results therefrom have been limited to actions taken in that particular case.

(64) This Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 64 of the Complaint, but regardless of any actions which the registrar of Forrest County may have taken in passing on such applications—which actions of the registrar of Forrest County can in no way prejudice this Defendant or any other Defendant herein—that this Defendant has not knowingly or intentionally turned down any application to register because of the omission of applicant's precinct, the failure to sign the oath to the application [fol. 444] tion, or the failure to sign on the line below the minister's oath on Page 3 of the application, and he also knows that he has required all white applicants to fill out application forms in the same manner as that required of negro applicants. This Defendant denies that any act of

Congress can constitutionally regulate the conduct of registration of voters in Coahoma County done in pursuance of and in obedience to the existing Laws of the State of Mississippi on the basis of what is done or omitted by some other registrar in some other place or at some other date.

(65) This Defendant denies the allegations of Paragraph 65 of the Complaint, except this Defendant admits that on April 10, 1962, the United States Court of Appeals for the Fifth Circuit granted an injunction pending appeal against the Registrar of voters of Forrest County, Mississippi and the State of Mississippi, and asserts that said injunction is the best evidence of its contents. If the statutes under which such suit was brought are constitutional, they demonstrate that effective legal machinery exists to enable Plaintiff to protect the rights of all citizens to equal treatment before the law.

(66) This Defendant denies the allegations of Paragraph 66 of the Complaint, except that this Defendant admits that the Mississippi Legislature adopted during its 1962 session House Bill 900, House Bill 901, House Bill 905, House Bill 822, House Bill 904, and House Bill 903, and asserts that said House Bills are the best evidence of their respective contents.

(67) House Bills 900 and 903 are not unconstitutional.

(1) It is misconception of House Bill 900 to say [fol. 445] that it establishes as grounds for disqualification any formal, technical, or inconsequential error or omission by the applicant on the application forms. The correct construction of the statute is that every applicant for registration, be he white or black, must show by his or her answers to the questions on the application form—which he or she must give without assistance or suggestion from any person or memorandum whatever so that every possibility of preferred treatment of any class of applicants may be obviated—the essential facts and qualification which qualify him or her for registration, to-wit: that he or she is twenty-one years old (or will be before the next election in the county), that he or she has resided in this state two years and in a specified election district, or incorporated city or town, one year next preceding the ensuing election (or if applicant is a minister of a gospel

in charge of an organized church, that he has resided in this state two years and in a specified election district, or incorporation city or town, six months next preceding the ensuing election), that he or she is not disqualified by reason of having been convicted of any crime named in Section 241 of the Constitution of Mississippi as a disqualification to be an elector, that he or she is able to read and write any section of the constitution of this state and give a reasonable interpretation thereof, that he or she has a reasonable understanding of the duties and obligations of citizenship under a constitutional form of government, and that he or she is a person of good moral character. If an application demonstrates those facts, the applicant is entitled to register.

(2) The requirements of these statutes apply to every Mississippian who applies for registration, regardless of his or her race, color, or previous condition of servitude. Every negro who was eligible for registration prior to their adoption and who neglected to register has only himself or herself—not his or her race, color, or previous condition of servitude—to blame for the fact that he or she is subject to such requirements.

(3) The application form contains simple questions which are quite easy to answer and all of such questions are designed to elicit the information necessary to a determination of one's qualifications to register. Their use should be commended by Plaintiff as an additional safeguard against any possibility of discrimination against any individual applicant who might present himself or herself to the registrar for registration.

[fol. 447] (4) There is no necessity for spelling out what is meant by filling out an application form "properly and responsively." Everyone knows what is meant thereby. Nor is there any need for defining which questions elicit the "essential facts and qualifications to entitle a person to register to vote." Those essential facts and qualifications are set forth in the statutes. The questions which call for information which bears

on those facts and qualifications are obviously the questions which elicit those essential facts and qualifications.

(5) The requirement that the oath and signature on the application form be signed without assistance or suggestion is neither arbitrary nor unreasonable and is not a device to trap applicants into an omission which will serve as grounds for disqualification.

(6) The prohibition against informing applicants or allowing applicants to learn of the reason or reasons for their disqualification as voters is neither unreasonable nor arbitrary, is not contrary to any legitimate state interest, and is not inconsistent with fundamental principles of democracy.

House Bills 822 and 904 are not unconstitutional.

(1) These statutes no more vest authority in white citizens to harass negroes and to delay the registration of negroes than they vest authority in negro citizens [fol. 448] to harass white citizens and to delay the registration of white citizens. Any challenge to the qualifications of an applicant for registration must be on the ground that he or she is not of good moral character or does not possess one of the essential qualifications for registration, and the challenge must be accompanied by an affidavit setting forth the facts on which the challenge is based.

(2) These statutes do not impose onerous, arbitrary and unreasonable procedures on prospective registrants who are challenged by requiring them to appear and possibly assume the cost of an administrative hearing before their qualifications to vote are determined. If an applicant is qualified to register, he or she will not be assessed with costs. If an applicant is not qualified to register, it is not unreasonable that he or she should be assessed with the costs, which are nominal.

(3) The standards by which a registrar passes initially upon an applicant's qualifications to register are the standards to be employed if any applicant's right to register is challenged.

(4) The requirements of these statutes apply to every Mississippian who applies for registration, regardless of his or her race, color, or previous condition of [fol. 449] servitude. Every negro who was eligible for registration prior to their adoption and who neglected to register, has only himself or herself—not his or her race, color, or previous condition of servitude—to blame for the fact that he or she is subject to such requirements.

(5) Whatever power a registrar has to forestall an applicant's registration by taking the decision on a challenge to his or her right to registration under advisement, he has with respect to both white and negro applicants. And a reading of House Bill 904 will disclose that his right to take the matter under advisement is "just as a court may do." To describe it as an "unlimited power" is quite an exaggeration.

(6) These statutes do not impose arbitrary and unreasonable requirements on prospective registrants. It is neither unreasonable nor arbitrary to require one whose right to exercise the privilege of voting has been challenged by a qualified elector, with such challenge backed up by an affidavit setting forth the facts supporting the challenge, to meet the challenge to his or her right to exercise the privilege of voting. And it is quite important to this state and nation that the right of suffrage be protected from those who have no right under the law to exercise such right.

[fol. 450] (7) It was not the purpose and it has not been the effect of these statutes to give the white community of Mississippi the legal right to pass initially upon the qualifications and character of negro applicants for registration or to give the white community of Mississippi the opportunity to intimidate negro applicants for registration, any more than it was the purpose or that it has been the effect of these statutes to give the negroes of Mississippi the legal right to pass initially upon the qualifications and character of white applicants for registration or to give the negroes of Mississippi the opportunity to intimidate white applicants for registration. Yet the statutes give the

right of challenge to any qualified elector, he be or she white or negro, and require the publication of the names of all applicants, regardless of their race or color.

(68) This Defendant denies the averments of Paragraph 68 of the Complaint and points out that he has already specifically answered most of those averments. He adds that Plaintiff has confused racial segregation with racial discrimination. They are not the same.

(69) This Defendant admits that he and the other registrars are required to apply the requirements of the statutes of this state but he denies that those requirements are [fol. 451] onerous or that their existence, enforcement and threat of enforcement have deterred, are deterring or will continue to deter otherwise qualified negroes from applying to register. He also points out that he has not knowingly disqualified any applicant, negro or white, for any formal or technical error or omission on the application form, and that the publication of the names of applicants for registration has never resulted in Coahoma County in any challenge to an applicant. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation as to what other registrars may have done.

(70) This Defendant denies the averments of Paragraph 70 of the Complaint but admits that he and his deputy, unless restrained by order of this Court, will continue to enforce the registration requirements of this state. He denies that the effect of those requirements has been and is to deprive otherwise qualified negro citizens of their right to register without distinction of race or color.

(71) Since the State of Mississippi has exclusive right and prerogative to prescribe the qualifications of voters (cf. the first Article of and the tenth amendment to the Constitution of the United States) subject only to the limitation that such qualifications do not violate the Fourteenth, Fifteenth, or Nineteenth Amendment to the Constitution of the United States, and since the qualifications of voters set forth in those sections of the Constitution and Statutes of the State of Mississippi, mentioned herein do not deprive [fol. 452] any person of life, liberty or property without due process of law, do not deny to any person within the jurisdiction of Mississippi the equal protection of the laws,

do not deny or abridge the right of citizens of the United States to vote on account of race, color or previous condition of servitude, and do not deny the right of any citizen of the United States to vote on account of sex, the provisions of the Constitution and Statutes of Mississippi mentioned herein are valid and constitutional, and should be so declared by judgment of this Court.

(72) Since this Defendant, in carrying out his duties as Registrar of Coahoma County, has not discriminated against any applicant for registration on the registration books of Coahoma County on account of his or her race, color, or previous condition of servitude, i. e.,

(a) He has given negro applicants the right to make application for registration on the same basis as white applicants;

(b) He has processed applications for registration submitted by negro applicants on the same basis as applications submitted by white applicants;

(c) He has registered negro applicants on the same basis as white applicants;

(d) He has given negro applicants the right to be registered by the same office personnel and with the same expedition and convenience as are being permitted to white applicants, and he has extended to negro applicants the same privileges as to reviewing [fol. 453] their application forms at the time they are filled out and advising them of such omissions as appear on their forms as he has given to white applicants under similar circumstances;

(e) He has administered the constitutional interpretation test to negro applicants by choosing as sections to be read and interpreted substantially the same sections used for submission to white applicants;

(f) He has not required rejected negro applicants to wait any different period before reapplying for registration than may be authorized under the laws of Mississippi and other than is required by white applicants.

(g) He has not required of any applicant a demonstration of good moral character other than a response to

the question, Have you ever been convicted of any other crime, that is, a crime other than bribery, theft, arson, obtaining money or goods under false pretenses, perjury, forgery, embezzlement, or bigamy, (excepting misdemeanors for traffic violation)?

(h) He has not destroyed voter registration records in violation of Section 1974 of Title 42 of U.S.C.A. and has no intention of doing so;

(i) He has not knowingly and intentionally turned [fol. 454] down any application to register because of any inconsequential errors therein, such as the omission of the applicant's precinct, the failure to sign the oath of the application, or the failure to sign on the line below the minister's oath on Page 3 of the application;

(j) He has tried in the utmost good faith to comply with the laws governing the administration and conduct of his office and if any person of any race was ever unjustly or improperly treated by this Defendant or any of his deputies such treatment occurred without any purposeful intention or conscious knowledge of racial discrimination.

this Court should find that he has not deprived negroes of any right secured to them by Section 1971 (a) of Title 42 of U.S.C.A. and should adjudge that Plaintiff is not entitled to an injunction against him such as is prayed in the Complaint or to the order prayed in the Complaint.

First Defense

The Complaint fails to state a claim against this Defendant upon which relief can be granted.

Second Defense

This Court as composed lacks jurisdiction over the subject matter of this action and over this Defendant.

Wherefore, this Defendant prays a judgment that the Statutes and Sections of the Constitution of the State of Mississippi mentioned in the Complaint are constitutional,

[fol. 455] a finding that this Defendant has not deprived negroes of any right secured to them by Section 1971 (a) of Title 42 of U.S.C.A., an adjudication that Plaintiff is not entitled to the injunction or order sought against this Defendant, for a dismissal of the Complaint against this Defendant, and for the assessment of costs against Plaintiff.

J. W. Smith, Circuit Clerk and Registrar of Coahoma County, Mississippi. By Semmes Luckett, Attorney at Law Clarksdale, Mississippi. Chester Curtis, Attorney at Law Clarksdale, Mississippi. Leon Porter, Attorney at Law Clarksdale, Mississippi.

Certificate of service (omitted in printing.)

[fol. 456] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR SOUTHERN
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

Civil Action No. 3312

[Title omitted]

ANSWER ON BEHALF OF THE STATE OF MISSISSIPPI—

Filed May 13, 1963

First Defense

The Complaint fails to state a claim against this Defendant upon which relief can be granted.

Second Defense

This Court as composed lacks jurisdiction over the subject matter of this action and over this Defendant.

Third Defense

Answer to First Claim

1. This Defendant denies the allegations of Paragraph 1 of the Complaint.

2. This Defendant denies the allegation of Paragraph 2 of the Complaint and would state that the State of Mississippi is not a proper party to this action and cannot be joined as a party Defendant for the reason that Section 601 (b) of the Civil Rights Act of 1960 is unconstitutional on its face.

[fol. 457] 3. This Defendant admits that Ross R. Barnett, Joe T. Patterson and Heber A. Ladner are members of the Mississippi State Board of Election Commissioners by virtue of their official positions as Governor, Attorney General and Secretary of State, respectively, and admits that the offices of said Defendants are in the State Capitol, Jackson, Mississippi, but denies that the State Board of Election Commissioners is an agency of the Defendant State of Mississippi.

4. This Defendant admits the allegations of Paragraph 4 of the Complaint.

5. This Defendant admits the allegations of Paragraph 5 of the Complaint.

6. This Defendant admits the allegations of Paragraph 6 of the Complaint.

7. This Defendant admits the allegations of Paragraph 7 of the Complaint.

8. This Defendant admits the allegations of Paragraph 8 of the Complaint.

9. This Defendant admits the allegations of Paragraph 9 of the Complaint.

10. This Defendant denies that registrars of voters in Mississippi are agents of the Mississippi State Board of Election Commissioners and of the State of Mississippi; and denies that said registrars administered and enforced the Mississippi Constitutional and Statutory Provisions which set out the requirements and procedures for the registration of voters. The said registrars are appointees, but [fol. 458] not agents, of the Mississippi State Board of Election Commissioners. They perform only those duties imposed upon them by the statutes of Mississippi.

11. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11 of the Complaint.

12. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 12 of the Complaint.

13. This Defendant denies the allegations of Paragraph 13 of the Complaint.

14. This Defendant denies the allegations of Paragraph 14 of the Complaint.

15. This Defendant denies the allegations of Paragraph 15 of the Complaint.

16. This Defendant denies the allegations of Paragraph 16 of the Complaint, except this Defendant admits that in 1890 a Mississippi Constitutional Convention adopted a new State Constitution.

17. This Defendant denies the allegations of Paragraph 17 except that this Defendant admits that the Mississippi Constitution of 1890 contains Section 244, and asserts that said Section itself is the best evidence of its content. (See Appendix I)

18. This Defendant admits that registration has been a prerequisite for voting since at least 1892, in fact, since the Constitution of 1869, in any election in Mississippi. This Defendant denies that registration in Mississippi is [fol. 459] permanent and affirmatively states that new registrations are authorized by statute whenever the conditions specified in the statutes exist.

19. This Defendant denies the allegations of Paragraph 19 of the Complaint.

20. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 20 of the Complaint.

21. This Defendant denies the allegation of Paragraph 21 of the Complaint and each of the subparagraphs thereunder.

22. This Defendant denies the allegations of Paragraph 22 except that this Defendant admits that the Court of Appeals for the Fifth Circuit in the case of *Peay v. Cox*, 190 F. 2d 123, spoke in dicta of the either/or elements of Section 244 of the Mississippi Constitution of 1890. The rationale of this case was that where an administrative

remedy is available it must be exhausted before injunction may be had to control the registrar in the conduct of his office.

23. This Defendant admits the allegations of Paragraph 23 of the Complaint.

24. This Defendant admits that in 1952 the Mississippi Legislature passed a joint resolution proposing an amendment to Section 244 of the Mississippi Constitution of 1890, but asserts that said resolution itself is the best evidence of its content. (See Appendix II) This Defendant further [fol. 460] admits that the proposed amendment was submitted to the voters in a general election but was not adopted for the reason that a majority of the qualified electors voting in said election did not vote for the proposed amendment.

25. This Defendant denies that the Legislature of the State of Mississippi did not meet in 1953, and affirmatively states that said Legislature did meet in 1953 in an extraordinary session. This Defendant denies the remainder of the allegations contained in Paragraph 25 of the Complaint except that this Defendant admits that the Legislature of the State of Mississippi adopted by a concurrent resolution a proposed amendment to Section 244 of the Constitution of 1890 of the State of Mississippi, being Senate Concurrent Resolution No. 13, Chapter 427 of the General Laws of Mississippi of 1954, and asserts that said resolution, itself, is the best evidence of its content. (See Appendix III)

26. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 26 of the Complaint.

27. This Defendant denies the allegations of Paragraph 27 of the Complaint. The proposed amendment to Section 244 of the Constitution of 1890 of the State of Mississippi was designed to upgrade the electorate of Mississippi by requiring every person seeking to become a qualified elector, regardless of his or her race, color, or previous condition of servitude, to be able to read and write any section of the Constitution of this State and to give a reasonable [fol. 461] interpretation thereof. Its provisions bear on persons alike regardless of race, color or previous condition of servitude. If anyone is disqualified by reason thereof,

his or her disqualification stems from his or her inability to read and write any section of the Constitution of this State and to give a reasonable interpretation thereof, not from his or her race, color, or previous condition of servitude.

28. This Defendant denies the allegations of Paragraph 28 except that this Defendant admits that during a regular 1954 session of the Mississippi Legislature, a concurrent resolution was adopted by the House of Representatives, April 7, 1954, and by the Senate, April 28, 1954, which established the Legal Educational Advisory Committee, and asserts that said resolution is the best evidence of its content. (See Appendix IV)

29. This Defendant denies that in 1954 the Supreme Court declared that state operation of racially segregated schools was unconstitutional. As to the remaining allegations contained in this paragraph having to do with the formation of citizens councils, their purpose and their projects, this Defendant is without knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, deny the same.

30. This Defendant denies the allegations of Paragraph 30 of the Complaint, except that this Defendant admits the Mississippi Legislature met in September of 1954 in an [fol. 462] extraordinary session and adopted House Concurrent Resolution No. 2, Chapter 39, General Laws of Mississippi, Extraordinary Session of 1954 and 1955, and asserts that said resolution is the best evidence of its contents. (See Appendix V)

31. This Defendant admits the allegations of Paragraph 31 except that this Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations that on November 2, 1954, there were approximately 472,000 registered voters in Mississippi who were eligible to vote on the proposed amendment to Section 244 of the Mississippi Constitution of 1890, and that about 95% of said voters were white and fewer than 5% were negroes. This Defendant also denies that the amendment was adopted in a state where the public education facilities provided for negroes were and/or are inferior to those provided for white people.

32. This Defendant denies the allegations of Paragraph 32, except that this Defendant admits that on December 21, 1954, a proposed amendment to the Mississippi Constitution designated Article 8, Section 213-B was submitted to and approved by the voters, and asserts that said amendment is the best evidence of its contents.

33. This Defendant admits the allegations of Paragraph 33 and affirmatively states that said extraordinary session was also called for the other purposes set forth in the proclamation of Hugh White, Governor, dated December 29, 1954.

[fol. 463] 34. This Defendant denies the allegations of Paragraph 34 of the Complaint, except this Defendant admits that the Mississippi Legislature adopted House Bill No. 95, Chapter 102, and Senate Bill No. 1216, Chapter 104, of the Laws of the Extraordinary Session of the Mississippi Legislature, 1955, and asserts that said House Bill and Senate Bill are the best evidence of their contents. (See Appendix VI-A and VI-B)

35. This Defendant denies the allegations of Paragraph 35 of the Complaint.

36. This Defendant admits the allegations of Paragraph 36 of the Complaint. This Defendant is informed and believes that all registrars of voters in the State of Mississippi have enforced the provisions of Section 244, as amended, since its amendment when members of the white race have attempted to register to vote.

37. This Defendant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 37 of the Complaint.

38. This Defendant denies the allegations of Paragraph 38 of the Complaint and all subparagraphs thereunder.

39. This Defendant denies the allegations of Paragraph 39 of the Complaint and asserts that the Constitution of the State of Mississippi is the best evidence of its contents.

40. This Defendant denies the allegations of Paragraph 40 of the Complaint.

41. This Defendant denies the allegations of Paragraph 41 of the Complaint.

42. This Defendant denies the allegations of Paragraph 42 of the Complaint and the subparagraphs thereunder.

[fol. 464] 43. This Defendant denies the allegations of Paragraph 43 of the Complaint as to the acts and actions of this Defendant.

Answer to Second Claim

44. This Defendant, in answer to Paragraph 44 of the Complaint, adopts its answers to Paragraphs 1 through 34, and to Paragraph 37, of the Complaint.

45. This Defendant denies the allegations of Paragraph 45 of the Complaint except that this Defendant admits that in 1960, the Mississippi Legislature passed a joint resolution to amend Article 12 of the Constitution of 1890, to include a new section (241-A) which resolution is the best evidence of its contents, and this Defendant admits that on November 8, 1960, the proposed addition to Article 12 of the Constitution was submitted to and adopted by the voters. (See Appendix VII) This Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations that approximately 525,000 registered voters in Mississippi were eligible to vote on said proposed amendment and that about 95% were white and fewer than 5% were negro.

46. This Defendant admits the allegations of Paragraph 46 of the Complaint.

47. This Defendant admits the allegations of Paragraph 47 of the Complaint except that this Defendant is without knowledge or information sufficient to form a belief as to the last sentence of said paragraph.

[fol. 465] 48. This Defendant admits the allegations of Paragraph 48 of the Complaint.

49. This Defendant denies the allegations of Paragraph 49 of the Complaint, except this Defendant admits that the Mississippi Legislature adopted, in 1962, House Bill No. 899, Chapter 575, General Laws of Mississippi 1962; House Bill No. 905, Chapter 569, General Laws of Mississippi 1962; House Bill No. 822, Chapter 572, General Laws of Mississippi 1962; and House Bill No. 904, Chapter 573, General Laws of Mississippi 1962, but asserts that said House Bills are the best evidence of their contents. (See Appendix VIII-A, VIII-B, VIII-C, and VIII-D)

50. This Defendant denies the allegations of Paragraph 50 of the Complaint and the subparagraphs thereunder. (See Appendix IX)

51. This Defendant denies the allegations of Paragraph 51 of the Complaint and the subparagraphs thereunder.

52. This Defendant denies the allegations of Paragraph 52 of the Complaint.

53. This Defendant denies the allegations of Paragraph 53 of the Complaint and the subparagraphs thereunder.

54. This Defendant denies the allegations of Paragraph 54 of the Complaint as to the act and action of this Defendant.

[fol. 466] Answer to Third Claim

55. This Defendant, in answer to Paragraph 55 of the Complaint, adopts its answer to Paragraphs 1 through 34, and to Paragraph 37 and to Paragraphs 45 through 49, of the Complaint.

56. This Defendant denies Paragraph 56 of the Complaint, except that this Defendant admits that the Mississippi Legislature, in 1955, adopted House Bill No. 95, Chapter 102, General Laws of Mississippi, extraordinary sessions of 1954 and 1955, but asserts that said House Bill is the best evidence of its contents. (See Appendix VI-A)

57. This Defendant denies the allegations of Paragraph 57 of the Complaint, except this Defendant admits that in 1957 the Congress of the United States enacted the Civil Rights Act of 1957, but asserts that said Act itself constitutes and contains the best evidence of its contents. This Defendant denies that said act vest the Attorney General of the United States with authority to bring civil actions to protect the right to vote without *distinction* of race or color.

58. This Defendant denies the allegations of Paragraph 58 of the Complaint, except this Defendant admits that in 1960, the Congress of the United States passed Title III of the 1960 Civil Rights Act on May 6, 1960; that the Mississippi Legislature, in 1960, adopted House Concurrent Resolution No. 36, Chapter 510, General Laws of Mississippi 1960; the Mississippi Legislature, in 1960, enacted [fol. 467] Senate Bill No. 1883, Chapter 449, General Laws of Mississippi 1960, effective date April 15, 1960, but asserts that said acts and resolution themselves are the best evidence of their respective contents. (See Appendix X-A and X-B)

59. This Defendant denies the allegations of Paragraph 59 of the Complaint except that this Defendant admits that it is advised that some registration application forms, including some forms received by Defendant, H. K. Whittington in Amite County, Mississippi, have been destroyed.

60. This Defendant denies the allegations of Paragraph 60 of the Complaint.

Answer to Fourth Claim

61. This Defendant, in answer to Paragraph 61 of the Complaint, adopts its answers to Paragraphs 1 through 34, to Paragraph 37, to Paragraphs 45 through 49, and to Paragraphs 56 through 58, of the Complaint.

62. This Defendant denies the allegations of Paragraph 62 of the Complaint.

63. This Defendant admits the allegations of Paragraph 63 of the Complaint.

64. This Defendant denies the allegations of Paragraph 64 of the Complaint, except this Defendant admits that in March, 1962, the second hearing was held in the United States District Court for the Southern District of Mississippi on a motion for a preliminary injunction in an action by the United States against the Registrar of voters of [fol. 468] Forrest County, and asserts that the record of said hearing is the best evidence of said proceedings.

65. This Defendant denies the allegations of Paragraph 65 of the Complaint, except this Defendant admits that on April 10, 1962, the United States Court of Appeals for the Fifth Circuit granted an injunction pending appeal against the Registrar of voters of Forrest County, Mississippi and the State of Mississippi, and asserts that said injunction is the best evidence of its contents.

66. This Defendant denies the allegations of Paragraph 66 of the Complaint, except that this Defendant admits that the Mississippi Legislature adopted during its 1962 session House Bill 900, House Bill 901, House Bill 905, House Bill 822, House Bill 904, and House Bill 903, and asserts that said House Bills are the best evidence of their respective contents. (See Appendix XI-A, XI-B, XI-C, XI-D, XI-E, and XI-F)

67. This Defendant denies the allegations of Paragraph 67 of the Complaint and the subparagraphs thereunder.

68. This Defendant denies the allegations of Paragraph 68 of the Complaint.

69. This Defendant denies the allegations of Paragraph 69 of the Complaint.

70. This Defendant denies the allegations of Paragraph 70 of the Complaint.

This Defendant denies that Complainant is entitled to [fol. 469] any relief in this action.

State of Mississippi, by: Joe T. Patterson, Attorney General for the State of Mississippi, Jackson, Mississippi. Will S. Wells, Dugas Shands, Guy N. Rogers and William A. Allain, Assistant Attorneys General for the State of Mississippi. Peter M. Stockett, Jr. and Charles Clark, Special Assistant Attorneys General for the State of Mississippi. By: /s/ Charles Clark, Special Assistant Attorney General for the State of Mississippi, one of the Attorneys of Record for Defendants.

Certificate of service (omitted in printing.)

[fol. 470]

APPENDIX I TO ANSWER

Section 244 of the Constitution of the State of Mississippi

Section 244. Every elector shall, in addition to the foregoing qualifications be able to read and write any section of the Constitution of this State and give a reasonable interpretation thereof to the county registrar. He shall demonstrate to the county registrar a reasonable understanding of the duties and obligations of citizenship under a constitutional form of government.

The person applying to register shall make a sworn, written application for registration on a form to be prescribed by the state board of election commissioners, exhibiting therein the essential facts and qualifications necessary to show that he is entitled to register and vote, said application to be entirely written, dated and signed by the applicant in the presence of the county registrar, without assistance or suggestion from any person or memorandum whatever; provided, however, that if the applicant is unable to write his application by reason of physical disability, the same, upon his oath of such disability, shall be written at his unassisted dictation by the county registrar.

[fol. 471]

APPENDIX II TO ANSWER

House Concurrent Resolution No. 33

A Concurrent Resolution to amend section 244 of the Constitution of 1890 of the State of Mississippi so as to more fully prescribe qualifications of electors.

Be it Resolved by the House of Representatives, the Senate Concurring therein, That the following amendment to the Constitution of 1890 of the State of Mississippi, be submitted to the qualified electors of the state for ratification or rejection at an election to be held on the first Tuesday after the first Monday in November, A.D., 1952 viz:

Amend section 244 of the Constitution of 1890 of the State of Mississippi to read as follows:

Section 244. Every elector shall, in addition to the foregoing qualifications, be able to read and write any section of the Constitution of this State and give a reasonable interpretation thereof to the county registrar. He shall

demonstrate to the county registrar a reasonable understanding of the duties and obligations of citizenship under a constitutional form of government.

The person applying to register shall make a sworn, written application for registration on a form to be prescribed by the state board of election commissioners, exhibiting therein the essential facts and qualifications necessary to show that he is entitled to register and vote, said application to be entirely written, dated and signed by the applicant in the presence of the county registrar, without [fol. 472] assistance or suggestion from any person or memorandum whatever; provided, however, that if the applicant is unable to write his application by reason of physical disability, the same, upon his oath of such disability, shall be written at his unassisted dictation by the county registrar.

Any new or additional qualifications herein imposed shall not be required of any person who was a duly registered and qualified elector of this state prior to January 1, 1952.

The Legislature shall have the power to enforce the provisions of this section by appropriate legislation.

Adopted by the House of Representatives, March 13, 1952.

Adopted by the Senate, April 10, 1952.

[fol. 473]

APPENDIX III TO ANSWER

Senate Concurrent Resolution No. 13

A Concurrent Resolution to amend section 244 of the Constitution of 1890 of the State of Mississippi so as to more fully prescribe qualifications of electors.

Be it Resolved by the Senate, the House of Representatives concurring therein, That the following amendment to the Constitution of 1890 of the State of Mississippi, be submitted to the qualified electors of the state for ratification or rejection at an election to be held on the first Tuesday after the first Monday in November, A. D., 1954 viz:

Amend section 244 of the Constitution of 1890 of the State of Mississippi to read as follows:

Section 244. Every elector shall, in addition to the foregoing qualifications be able to read and write any section of

the Constitution of this State and give a reasonable interpretation thereof to the county registrar. He shall demonstrate to the county registrar a reasonable understanding of the duties and obligations of citizenship under a constitutional form of government.

The person applying to register shall make a sworn, written application for registration on a form to be prescribed by the state board of election commissioners, exhibiting therein the essential facts and qualifications necessary to show that he is entitled to register and vote, said application to be entirely written, dated and signed by the applicant in the presence of the county registrar, without assistance or suggestion from any person or memorandum [fol. 474] whatever; provided, however, that if the applicant is unable to write his application, by reason of physical disability, the same, upon his oath of such disability, shall be written at his unassisted dictation by the county registrar.

Any new or additional qualifications herein imposed shall not be required of any person who was a duly registered and qualified elector of this state prior to January 1, 1954.

The Legislature shall have the power to enforce the provisions of this section by appropriate legislation.

Adopted by the Senate, March 29, 1954.

Adopted by the House of Representatives, April 22, 1954.

[fol. 475]

APPENDIX IV TO ANSWER

House Concurrent Resolution No. 54

A Concurrent Resolution establishing the Mississippi Legal Educational Advisory Committee; to define its duties and authority, and to provide therefor such funds as are necessary to effectuate the purposes thereof.

Whereas, in order to preserve and promote the best interests of both races and the public welfare, it is necessary to maintain separate education and separate schools for the white and colored races; and,

Whereas, necessity for further legislation or constitutional amendments in that regard may hereafter arise:

It is Therefore Resolved by the House of Representatives of the State of Mississippi, the Senate concurring therein:

1. The Legal Educational Advisory Committee is hereby established.

2. Said committee shall formulate a plan or plans of legislation, prepare drafts of suggested laws, and recommend courses of action for consideration by the Legislature whereby the state may, by taxation or otherwise, provide education and/or assistance in obtaining education for all of its citizens consistent with the provisions of the Constitution of the United States and the Constitution of the State of Mississippi.

3. The committee shall be composed of the Governor, Lieutenant Governor, Speaker of the House of Representatives, Attorney General, Chief Justice of the Supreme Court, the State Superintendent of Education, the chairman of the Finance Committee of the Senate, chairman of the Judiciary Committee of the Senate, chairman of Senate [fol. 476] Education Committee, chairman of the Appropriations Committee of the House of Representatives, and, should he be unable to serve, the vice-chairman shall serve in his stead, the chairman of the Ways and Means Committee of the House of Representatives, the chairman of the Judiciary En Banc Committee of the House of Representatives, chairman of House Education Committee, one Senator to be appointed by the Lieutenant Governor, two members of the House of Representatives to be appointed by the Speaker, the President of the Mississippi State Bar Association, and two outstanding lawyers of the state, known for their ability as constitutional lawyers, do be appointed by the Governor, and six outstanding citizens to be appointed by the Governor, one from each Congressional District.

4. The Governor shall be chairman of the committee, and the said committee shall designate another member of the committee as vice-chairman to act in the absence of the chairman. Said committee shall perfect its organization conformable to the provisions of this resolution and may appoint subcommittees.

Thirteen (13) members of the committee shall constitute a quorum for the transaction of any business of the committee.

5. Said committee shall submit its findings and proposed plan of legislation with its accompanying draft of sug-

gested laws and/or amendments to the constitution, and its comments thereon, to any regular or extraordinary session [fol. 477] of this Legislature hereafter held.

6. Said committee is directed to cause its findings, proposed plan of legislation, accompanying drafts or suggested laws and/or constitutional amendments, and its comments thereon, to be printed and distributed to the members of the Legislative and to the press as early as is convenient prior to any extraordinary session of the Legislature which may be convened hereafter, and, if no such session is convened, then not less than ninety (90) days prior to the next regular session of the Legislature.

7. Said committee is directed to inquire into the educational structure of the state, and all pertinent provisions of the constitution and statutes of the state, as well as the Constitution and laws of the United States; to receive suggestions and statements from interested persons; and to make such other investigation and inquiry as will in its judgment assist in the discharge of the duties confided to it. Said committee is authorized from time to time to print and distribute reports of its findings and recommendations.

8. All departments and institutions of the state and of the subdivisions and municipalities of the state, including the state department of education and county educational organizations, are required to furnish information, aid and assistance to the committee upon its request, and cooperate with it in the discharge of its duties required under this [fol. 478] resolution.

The committee is authorized to employ such help, technical assistants and legal counsel to aid the committee in the performance of its duties as the committee may deem proper, and to fix their compensation.

9. The members of the committee, with the exception of the Governor, Attorney General, Chief Justice of the Supreme Court, and State Superintendent of Education, shall receive the same compensation and allowances for each day they are engaged in the performance of the duties of the committee as are received by members of the Legislature, for each day of an extraordinary session of the Legislature, plus any other compensation, per diem, allowance or reimbursement as is now provided by law for members of the Legislature when serving in extraordinary session. Pro-

vided, however, the Governor, Attorney General, Chief Justice of the Supreme Court and State Superintendent of Education shall receive their actual expenses incurred while engaged in the performance of the duties of the committee.

The expenses of the committee shall be paid out of the contingent funds of the House of Representatives and of the Senate, in such proportion as the committee may determine, upon warrants drawn on the respective contingent funds, signed by the chairman or vice-chairman of the committee and countersigned by the Clerk of the House of Representatives and Secretary of the Senate, as the case may be.

[fol. 478a] The duties and authority of said committee shall be filled by the same authority making the original appointment.

Adopted by the House of Representatives, April 7, 1954.

Adopted by the Senate, April 28, 1954.

[fol. 479]

APPENDX V TO ANSWER

House Concurrent Resolution No. 2

A Concurrent Resolution submitting an amendment to Article 8 of the constitution of the State of Mississippi, so as to add an additional section thereto, to be numbered "Section 213-B" authorizing the Legislature by two-thirds vote of those present and voting in each House to abolish public schools and authorize the counties and school districts to abolish public schools, sell and dispose of school buildings, lands and other property, and make appropriation of public property, and make appropriation of public funds, and do such other acts and things deemed necessary to aid and assist educable children of this state to secure an education.

Be it Resolved By the House of Representatives of the State of Mississippi, the Senate Concurring Therein:

Section 1. That there be and is hereby submitted to the qualified electors of the State of Mississippi for their approval or rejection, in an election to be held in accordance with section 273 of the constitution of this state, on Tuesday, the 21st day of December, 1954, the following amend-

ment to Article 8 of the Constitution of the State of Mississippi, to be numbered and inserted therein and added thereto as "Section 213-B" thereof, to-wit:

Section 213-B. (a) Regardless of any provision of Article 8, or any other provisions of this constitution to the contrary, the legislature may authorize the establishment, support, maintenance and operation of public schools.

(b) Regardless of any provision of Article 8, or any other provisions of this constitution to the contrary, the legislature shall be and is hereby authorized and empowered, by a two-thirds (2/3rds) vote of those present and voting in each House, to abolish the public schools in this [fol. 480] state, and enact suitable legislation to effect the same.

(c) Regardless of any provision of Article 8, or any other provisions of this constitution to the contrary, the legislature shall be and is hereby authorized and empowered, by a majority vote of those present and voting in each House, to authorize the counties and school districts to abolish their public schools, and enact suitable legislation to effect the same.

(d) In the event the legislature shall abolish, or authorize the abolition of the public schools in this state, then the legislature shall be and is hereby authorized and empowered to enact suitable legislation to dispose of school buildings, land and other school property by lease, sale or otherwise.

(e) The legislature may appropriate state funds and authorize counties, municipalities and other governmental subdivisions and districts to appropriate funds, including poll tax and sixteenth section funds, to aid educable children of this state to secure an education.

(f) The legislature may do any and all acts and things necessary for the purposes of this section, and this section is declared to be, and is, supplemental to all other provisions of this constitution, and legislation enacted under authority hereof shall prevail, whether in conflict with other sections or not.

Section 2. Said election for the submission of the aforesaid amendment shall be held in every election precinct of this state on said Tuesday, the 21st day of December, 1954. Notice of said election shall be given as required by the

[fol. 481] constitution and same shall be held agreeably to the general election laws of this state, and said amendment submitted therein in the same manner as amendments to the constitution are submitted in regular general elections held in this state.

Adopted by the House of Representatives, September 10, 1954.

Adopted by the Senate, September 16, 1954.

[fol. 482] ● APPENDIX VI-A TO ANSWER

House Bill No. 26

An Act to amend Section 3235, Mississippi Code of 1942, as amended, so as to provide who is entitled to vote, in compliance with Section 244 of the Constitution, as amended.

Be it enacted by the Legislature of the State of Mississippi:

Section 1. Section 3235, Mississippi Code of 1942, as amended, is amended to read as follows:

3235. Who entitled to vote.—Every inhabitant of this state, except idiots, insane persons and Indians not taxed, who is a citizen of the United States, twenty-one (21) years old and upwards, who has resided in this State two (2) years and one year in the election district or city, town, or village in which he offers to vote, and who is able to read and write any section of the constitution of the state and who can give a reasonable interpretation thereof, and who can demonstrate a reasonable understanding of the duties and obligations of citizenship under a constitutional form of government, and who shall have been duly registered as an elector by an officer of this state under the laws thereof, and who has never been convicted of bribery, burglary, theft, arson, obtaining money or goods under false pretenses, perjury, forgery, embezzlement, or bigamy, and who has paid all taxes which may have been legally required of him, and which he has had an opportunity to pay according to law, for the two (2) preceding years, and who shall produce to the officers holding the election satisfactory evidence that he has paid such taxes on or

[fol. 482-A] before the first day of February of the year in which he shall offer to vote, shall be a qualified elector in and for the election district or city, town, or village of his residence, and shall be entitled to vote at any election held not less than four (4) months after his registration; but any minister of the gospel, in charge of an organized church, or his wife legally residing with him, shall be entitled to vote after six (6) months' residence in the election district, city, town or village, if otherwise qualified. No others than those above included shall be entitled or shall be allowed, to vote at any election; provided, that a person unable to read or write by reason of physical disability shall, if otherwise qualified, nevertheless be entitled to vote and provided further that any new or additional qualifications herein imposed shall not be required of any person who was a duly registered and qualified elector of this state prior to January 1, 1954.

Section 2. This act shall take effect and be in force from and after its passage.

Approved March 24, 1955.

[fol. 483] APPENDIX VI-B TO ANSWER

Senate Bill No. 1216

An Act to amend Section 3213, Mississippi Code of 1942, to place into legal effect the Amendment to Section 244 of the Constitution of 1890, being Senate Concurrent Resolution No. 13 Regular Session of 1954.

Be it enacted by the Legislature of the State of Mississippi:

Section 1. That Section 3213, Mississippi Code of 1942, be, and the same is hereby amended so as to read as follows:

Section 3213. Person not to register unless he can read and write.—A person shall not be registered unless he be able to read and write any section of the constitution of this state and give a reasonable interpretation thereof to the county registrar. He shall demonstrate to the county registrar a reasonable understanding of the duties and obligations of citizenship under a constitutional form of government.

The person applying to register shall make a sworn, written application for registration on a form prescribed by the State board of election commissioners, exhibiting therein the essential facts and qualifications necessary to show that he is entitled to register and vote, said application to be entirely written, dated and signed by the applicant in the presence of the county registrar, without assistance or suggestion from any person or memorandum whatever; [fol. 484] provided, however, that if the applicant is unable to write his application by reason of physical disability, the same, upon his oath of such disability, shall be written at his unassisted dictation by the county registrar.

Provided, however, the provisions herein imposed shall not be required of any person who was a duly registered and qualified elector of this state prior to January 1, 1954.

Section 2. This act shall take effect and be in force from and after its passage.

Approved April 4, 1955.

[fol. 485]. APPENDIX VII TO ANSWER

Senate Concurrent Resolution No. 147

A Concurrent Resolution to amend Article 12 of the Mississippi Constitution of 1890 so as to provide as an additional qualification to register for the purpose of becoming a qualified elector, a person shall be of good moral character, and to add same as section 241-A.

Be it Resolved by the Legislature of the State of Mississippi, two-thirds (2/3) of the Senate and House of Representatives concerning therein. That the following amendment to or change in Article 12 of the Mississippi Constitution of 1890 be submitted to the qualified electors of the State for ratification or rejection at an election to be held on the first Tuesday after the first Monday of November, 1960.

Amend or change Article 12 of the Constitution of the State of Mississippi of 1890 by adding thereto the following as Section 241-A thereof:

—Section 241-A. In addition to all other qualifications required of a person to be entitled to register for the purpose of becoming a qualified elector, such person shall be of good moral character.

The Legislature shall have the power to enforce the provisions of this section by appropriate legislation.

Adopted by the Senate April 28, 1960.

Adopted by the House of Representatives May 5, 1960.

[fol. 486] APPENDIX VIII-A TO ANSWER

House Bill No. 899

An Act to amend Section 1, chapter 101, laws of Mississippi extraordinary session of 1955, being Section 3235, Mississippi Code of 1942, recompiled, as amended, so as to provide who is entitled to vote in compliance with Section 244 of the Constitution, as amended, and Section 241-A of the Constitution, requiring a person to be of good moral character to register, and clarifying what taxes must be paid in order to vote; and for related purposes.

Be it enacted by the Legislature of the State of Mississippi:

Section 1. That section 1, chapter 101, Laws of Mississippi, Extraordinary Session of 1955, being section 3235, Mississippi Code of 1942, Recompiled, as amended, be and the same is hereby amended to read as follows:

Section 1. Every inhabitant of this state, except idiots, insane persons and Indians not taxed, who is a citizen of the United States, twenty-one (21) years old and upwards, who has resided in this state two (2) years, and one year in the election district or city, town or village in which he offers to vote, and who is able to read and write any section of the Constitution of the state and who can give a reasonable interpretation thereof, and who can demonstrate a reasonable understanding of the duties and obligations of citizenship under a constitutional form of government, and who shall have been duly registered as an elector by an officer of this state under the laws thereof, and who has never been convicted of bribery, burglary, theft, arson, obtaining money or goods under false pretenses, perjury, [fol. 487] forgery, embezzlement, or bigamy, and who has paid all poll taxes which may have been legally required of him, and which he has had an opportunity to pay according to law, for the two (2) preceding years, and who shall

produce to the officers holding the election satisfactory evidence that he has paid such poll taxes on or before the first day of February of the year in which he shall offer to vote, shall be a qualified elector in and for the election district or city, town or village of his residence, and shall be entitled to vote at any election held not less than four (4) months after his registration; but any minister of the gospel, in charge of an organized church, or his wife legally residing with him, shall be entitled to vote after six (6) months' residence in the election district, city, town, or village, if otherwise qualified. No others than those above included shall be entitled, or shall be allowed, to vote at any election; provided, that a person unable to read or write by reason of physical disability shall, if otherwise qualified, nevertheless be entitled to vote, and provided further that any new or additional qualifications herein imposed shall not be required of any person who was a duly registered and qualified elector of this state prior to January 1, 1954; except that any person registering after the effective date of this act shall be of good moral character as required by Section 241-A of the Mississippi Constitution.

Section 2. This act shall take effect and be in force from and after its passage.

Approved May 26, 1962.

[fol. 488]

APPENDIX VIII-B TO ANSWER

House Bill No. 905

An Act to amend section 1, chapter 449, laws of 1960; and to amend section 1, chapter 99, and section 5, chapter 102, laws of the extraordinary session of 1955, so as to include therein and enforce the requirement of section 241-A of the Mississippi Constitution that anyone registering to vote shall be of good moral character; and for related purposes..

Be it enacted by the Legislature of the State of Mississippi:

Section 1. Section 1, chapter 449, laws of 1960, is hereby amended to read as follows:

Section 1. The state board of election commissioners shall, as soon as practicable and thereafter at such times

as it may deem advisable, consistent with the Constitution, prepare a series of application blanks, including the oath of the person offering to register, in compliance with Section 242 of the Constitution of this state, and including blank forms for furnishing of information, showing date of application, which shall be the date of registration if such applicant be approved for registration; name of applicant; age; occupation; where business carried on; if employed, by whom; place of residence; date such residence began; previous place of residence; what oath applicant takes; if more than one person of the same name in precinct, by what name applicant wishes to be called; whether applicant has been convicted, and if so, when and where, of any of the crimes referred to in Section 241 of the Constitution of [fol. 489] Mississippi, which are bribery, theft, arson, obtaining money under false pretenses, perjury, forgery, embezzlement and bigamy, and the moral character of applicant; all designed to test the ability of applicants for registration to vote to read and write any section of the Constitution of this state and give a reasonable interpretation thereof, and demonstrate to the county registrar a reasonable understanding of the duties and obligations of citizenship under a constitutional form of government; and to demonstrate to the county required by Section 241-A of the Constitution of Mississippi. Such applications shall be designed to exhibit the essential facts and qualifications necessary to show that such person is entitled to register and vote. Copies of such application blank forms shall be delivered to the county registrar of each county, and such copies shall be supplied to each county registrar as needed. The oath required by Section 242 of the Constitution shall be administered by the registrar. The board of supervisors is authorized to make proper allowances for office supplies reasonably necessary by this act.

If no appeal has been or is taken as provided by law from the ruling of the registrar upon any application for registration, or if any application for registration is abandoned or waived by the applicant therein by making another application for registration before any final judgment or decision has been rendered on any prior application, or other- [fol. 490] wise waived or abandoned same, the registrar is not required to retain or preserve any record made under the provisions hereof.

Section 2. Section 1, chapter 99, laws of the extraordinary session of 1955, is hereby amended to read as follows:

Section 1. Registrar to register voters. The registrar shall register on the registration books of the election district of the residence of such person anyone appearing before him, and being, upon examination found, in compliance with Section 244 of the Constitution, as amended, and in compliance with Section 241-A of the Constitution of Mississippi to be entitled to be registered as an elector, upon such person taking and subscribing the oath required by Section 242 of the Constitution of Mississippi; but persons who may be entitled to register under the provisions of Section 251 of the Constitution of Mississippi, who would be otherwise disqualified by reason of age, may take the oath as modified by that circumstances, and the subscription of the oath shall be by the elector writing his name in the proper column in the registration book.

Section 3. That section 5, chapter 102, laws of the extraordinary session of 1955, is hereby amended to read as follows:

Section 5. Form of registration books. The registration books are to be in the following form: They shall have printed at the top of the pages the oath prescribed by Section 242 of the Constitution of Mississippi, and beneath shall be ruled appropriate columns, the headings of which [fol. 491] shall be printed respectively, as follows, viz: date of registration; names of electors; age; occupation; where business carried on; if employed; by whom; place of residence in the district; what oath does elector take? If more than one person of same name in district, by what appellation does elector wish to be called? Has the elector met all of the requirements of Section 244 of the Constitution of Mississippi, as amended? Has the elector met all of the requirements of Section 241-A of the Constitution of Mississippi? Signature of elector; remarks.

In the column headed "What oath does elector take?" the registrar shall write the word "general," if the elector take the general oath prescribed, the word "minister's," or "minister's wife," if he or she take the oath as modified by the parenthetical sentence thereon; and the words "special as to age," if the elector will, as provided in Section 251 of the

Constitution of Mississippi, become of age before the election next after he proposed to register; and in the column headed, "Has the elector met, etc.?" if he has met all the requirements of Section 244 of the Constitution, as amended, and Section 241-A of the Constitution of Mississippi, the word "yes" shall be entered.

And provided further, that when a new registration is ordered in a county that new registration books shall be purchased to comply with the form prescribed herein. And provided further, that persons registering in any such new [fol. 492] registration books who were duly registered and qualified electors of this state prior to January 1, 1954, shall be entitled to register in such new registration books in accordance with the requirements of law in existence on said date; except that all persons registering after the effective date of this act shall be of good moral character as required by Section 241-A of the Constitution of Mississippi.

Section 4. Should any provision or section of this act be held to be unconstitutional or otherwise invalid for any reason, such holding shall not be construed to affect the validity of any other part or portion of this act.

Section 5. That this act shall take effect and be in force from and after its passage.

Approved May 26, 1962.

[fol. 493]

APPENDIX VIII-C TO ANSWER

House Bill No. 822

An Act to require publication of the name and address of all applicants for registration to vote; and for related purposes.

Be it enacted by the Legislature of the State of Mississippi:

Section 1. Within ten (1) days after the receipt by the registrar of any application to register to vote and before consideration is given to the sufficiency of the application, the registrar shall deliver for publication in a newspaper hereinafter described the name and address of such applicant as stated in said application and shall cause same to be published once each week for two (2) consecutive weeks

in a newspaper having general circulation in the county where such applicant has applied to register, but if no such newspaper is published in such county, then publication shall be made in some newspaper published in an adjoining or other county but of general circulation in the county of the residence of the applicant.

Section 2. The said name and address shall be published in said newspaper under a heading entitled: "Applicants for registration to vote." When said publication shall have been completed, proper proof of publication shall be furnished to the registrar and same shall be preserved as a record of his office. The cost of the publication and proof thereof shall be paid by the county out of its general fund at the rate for legal notices.

[fol. 494] Section 3. If within fourteen (14) days, exclusive of the date of the last publication of the name or names aforesaid, after the date of the last publication, no qualified elector of the county, other than the registrar, shall have challenged, in the manner prescribed by law, the good moral character of applicant and any other requirement which applicant must meet in order to be qualified to register to vote, the registrar shall within a reasonable time, under the circumstances, determine whether applicant has complied with the Constitution and laws of the State of Mississippi to entitle him to register to vote.

Section 4. If any part or portion of this act is held unconstitutional or invalid, such shall not affect any remaining part or portion hereof.

Section 5. This act shall take effect and be in force from and after its passage.

Approved May 26, 1962.

[fol. 495] APPENDIX VIII-D TO ANSWER

House Bill No. 904a

An Act to provide a method for third persons by affidavit to challenge the good moral character of any applicant to register to vote and the sufficiency of any application to register to vote; who may challenge; to provide a hearing on any such challenge and appeal therefrom; and to enforce the requirements of a person to register to vote; and for related purposes.

Be it enacted by the Legislature of the State of Mississippi:

Section 1. The sufficiency and the truthfulness of the statements made in the application to register to vote, and the contents thereof, and the good moral character of an applicant to register to vote are material, and this act is adopted to further enforce the requirements to register to vote as set out in the Constitution and laws of the State of Mississippi.

Section 2. Any qualified elector of the county may challenge the good moral character of any applicant and any other requirement of any applicant to vote within fourteen (14) days after the date of the last publication of the name and address of such applicant by filing with the registrar an affidavit in duplicate setting forth facts upon which the challenge is based. Upon the filing of any such challenge the registrar shall within seven (7) days thereafter, exclusive of the date of the filing of such challenge, send to applicant by certified mail, addressed to him at the address shown on the application, one copy of such affidavit, and [fol. 496] notice of the date, time and place where the registrar will hold an administrative hearing to determine the sufficiency of the application or challenge.

Section 3. The registrar, who is an administrative officer of the county in which he serves as registrar, is hereby vested with full power and authority to hold and conduct such administrative hearing and render his decision thereon; he may render his decision at the completion of the hearing or may take the matter under advisement just as a court may do.

Section 4. Such hearing shall be held in the office of the registrar or at some other place designated by the registrar in the county courthouse, and shall be set within a reasonable time after the date of the mailing of said notice. If there be two (2) judicial districts in the county, then the hearing shall be had in the courthouse of the judicial district in which the application to register is made. On his own motion or for good cause shown, the registrar may change the date and time of such hearing. At such hearing by the registrar he may hear oral and documentary evidence in support of, in challenge of, or denial of, the suffi-

ciency of the application, the good moral character of the applicant, and 'as to any other requirement which applicant must meet in order to be qualified to register to vote.

Section 5. The registrar may issue subpoenas to be served by the Sheriff of the county to secure their attendance as witnesses and the production of documents at such hearing. Obedience to any such subpoena may be secured by the registrar by filing with the Circuit Judge, in term time or in vacation, a petition seeking enforcement, and the person subpoenaed shall obey the order of the Circuit judge made therein.

The Circuit Judge, in vacation or in term time, is hereby vested with jurisdiction to hear and determine such petition, make proper orders thereon and issue appropriate process, and said petition shall be heard at such time and place as he may specify on five (5) days' notice to all parties.

Section 6. The registrar shall administer to the witnesses who testify in said administrative hearing the same oath as is used in the trial of cases in the Circuit Court.

Section 7. The registrar shall require all testimony taken before him to be taken down by a competent stenographer or reporter, and a transcript thereof shall be filed with and retained by the registrar as a record of his office. All costs of such proceedings may be taxed by the registrar in accord with the manner and practice pertaining to costs in the Chancery Court under the laws of this State.

8. If the decision of the registrar be that the applicant is qualified to register under the Constitution and laws of the State of Mississippi, he shall be forthwith registered; but if the registrar finds that applicant is not qualified under said Constitution and laws to be registered, he shall [fol. 498] not register the applicant but shall mark his application "failed"; but if he finds that applicant is not of good moral character he shall so endorse the application and state the facts upon which the finding of lack of good moral character is based.

Section 9. At such hearing held by the registrar, applicant and any person or persons challenging the truthfulness or sufficiency of the application may be represented by counsel, but applicant and any challenger may appear

pro se in and on his own behalf if they choose. Witnesses may be examined or cross-examined as in trials in the Circuit Court.

Section 10. An appeal may be taken to the Board of County Election Commissioners by any persons against whom the registrar may decide within the same time and in the same manner as is now provided for an appeal from registration or denial of registration by the registrar.

Section 11. If the applicant or any challenger does not appear at the time and place set by the registrar for the hearing of any challenge, the registrar may, in his discretion, reset the hearing or may proceed and determine whether applicant is or is not, as the case may be, qualified under the Constitution and laws of the State of Mississippi to register to vote.

The person or persons against whom the registrar decides may appeal as above provided just as if a hearing had been held.

[fol. 499] Section 12. Strict rules of evidence shall not be enforced at the hearing herein provided for. Witnesses may be examined by the applicant or his attorneys, and by the challenger or challengers or their attorneys.

Section 13. The provisions of this act are intended to provide an additional administrative method whereby third parties may challenge the sufficiency of any application to register and the good moral character of an applicant, and are not intended to affect the right, duty and authority of the registrar to determine such qualifications, as now provided by law, if no challenge is made by any third party.

Section 14. If any part or portion of this act shall be declared invalid or unconstitutional by any court, same shall not affect the validity of any other section, clause, phrase or word hereof.

Section 15. This act shall take effect and be in force from and after its passage.

Approved May 26, 1962.

Good Moral Character Requirements in State Constitutions
and in Federal and State Statutes

1. Thirty-seven states and the District of Columbia require good moral character as a prerequisite for licensing or registration as an architect.

2. Thirty-four states require good moral character as a prerequisite for licensing or registration as an attorney.

3. Thirty-six states and the District of Columbia require good moral character as a qualification for licensing as a barber or apprentice barber.

4. Twenty-seven states and the District of Columbia require good moral character as a prerequisite for licensing or registration of professional engineers, engineers-in-training or land surveyors.

5. Thirty-seven states and the District of Columbia require good moral character as a prerequisite to obtaining a license to practice medicine and surgery.

6. Thirty-nine states require good moral character as a prerequisite to the licensing or registration of funeral directors, undertakers, embalmers or apprentice embalmers.

7. Thirty-seven states and the District of Columbia require good moral character as a prerequisite to the licensing or registration of pharmacists.

8. Thirty-five states require good moral character as a prerequisite for the licensing or registration of real estate [fol. 501] brokers or real estate salesmen.

9. Twenty-eight states and the District of Columbia require good moral character as a prerequisite for the licensing or registration of those desiring to practice veterinary medicine, veterinary dentistry or veterinary surgery.

10. Thirty-one states and the District of Columbia require good moral character as a prerequisite to the licensing or registration of certified public accountants, public accountants, or accountants.

11. Five states require good moral character as a prerequisite for becoming a qualified voter or elector.

12. Under Federal Law regarding deportable aliens found in Volume 8 U.S.C.A., Sections 1-1280, there are sections having to do with the eligibility of aliens for sus-

pension of deportation. Each category requires good moral character in order to apply suspension of deportation. In addition, the statutes provide that no person may become a naturalized citizen of the United States who is not a person of good moral character.

13. Good moral character is a requirement for admission to practice before the following Courts by the United States:

- (a) Supreme Court of the United States
- (b) Court of Claims of United States
- (c) United States Customs Court
- (d) United States Circuit Court of Appeals for the First Circuit
- [fol. 502] (e) United States Court of Appeals for the Second Circuit
- (f) United States Court of Appeals for the Third Circuit
- (g) United States Court of Appeals for the Fourth Circuit
- (h) United States Circuit Court of Appeals for the Sixth Circuit
- (i) United States Circuit Court of Appeals for the Seventh Circuit
- (j) United States Circuit Court of Appeals for the Eighth Circuit
- (k) United States Circuit Court of Appeals for the Ninth Circuit

14. The Mississippi Code of 1942 Annotated specifically requires "good moral character" for licensing to practice for the following professions or callings:

- (a) Taxicab operator
- (b) Incorporators of banks
- (c) Bank examiners
- (d) Architects
- (e) Attorneys
- (f) Barbers
- (g) Dentist
- (h) Embalmers
- (i) Nurses

- (j) Optometrists
- (k) Pharmacists
- (l) Physicians
- (m) Podiatry
- (n) Accountants
- (o) Veterinarians

[fol. 503] 15. Section 8920-05 of the Mississippi Code of 1942 Annotated relative to licensing of real estate brokers requires that a person bear a "good reputation for honesty and trustworthiness and a recommendation that the prospective licensee be of such."

16. The State of Georgia requires as a prerequisite to registration and voting that a person be eighteen years of age, not convicted of various moral turpitude offenses and a literacy test and that a person be able to correctly read and properly write the English language any paragraph of the United States Constitution or the Constitution of Georgia or be of "good character" and understand the obligations of citizenship.

17. The States of Alabama and Louisiana each have constitutional provisions which require "good character" as a prerequisite to registration.

[fol. 504] APPENDIX X-A TO ANSWER

House Concurrent Resolution No. 36

A Concurrent Resolution commending United States Senator James O. Eastland, United States Senator John C. Stennis, and other Southern Senators on the tremendous fight they are waging at this time against the vicious Civil Rights proposals now under "Around the Clock" debate on the floor of the United States Senate.

Whereas, Senior Senator James O. Eastland and Junior Senator John C. Stennis are now engaged in "Around the Clock" debate on the vicious so-called Civil Rights Bills; and

Whereas, Senator Eastland and Senator Stennis, by virtue of their seniority, integrity, and high moral standards have been chosen by their colleagues as leaders in this bitter battle; and

Whereas, these two gentlemen, representing approximately two and one half million Americans, are expressing the sentiment of all our people in using every honorable means and taking advantage of every rule for protection of the minority that can be found in the Rules of Procedure of the United States Senate; and

Whereas, our people are vitally concerned over these pending bills as we believe with the passage of such legislation it is just another step toward a police state, regimentation, and the further strengthening of federal control with the ultimate objective of destroying the right of the states and local self government: Now, Therefore,

[fol. 505] Be it Resolved by the House of Representatives, the Senate concurring therein, That Senator Eastland and Senator Stennis be highly commended, along with Senator Russell of Georgia and others who have joined in this battle to preserve the American way of life on which this country was founded and of which all the states of this nation have prospered.

Be it Further Resolved, That these Senators above mentioned be notified by this resolution that we are hoping and praying for success in their determined fight, and that we are on record as realizing not only their person sacrifice but also the tremendous physical and mental strain these Senators are under and that the people of Mississippi, the South and the many fair-minded people of this great Nation owe these gentlemen a great debt of gratitude, and on this memorable fight they are waging, the most important and determined battle on the floor of the United States Senate in one hundred years or more, go our prayers, and God bless you.

Be it Further Resolved, That a copy of this Resolution be forwarded to Senator Eastland, Senator Stennis and Senator Richard Russell of Georgia and to members of the press.

Adopted by the House of Representatives March 2, 1960.

Adopted by the Senate March 3, 1960.

[fol. 506]

APPENDIX X-B TO ANSWER

Senate Bill No. 1883

An Act to amend section 1 of chapter 102 of the laws of the legislature of the State of Mississippi, 1955 extraordinary session, so as to eliminate any requirement that the application forms be numbered or indexed or be public records or be preserved; and to amend section 2 of said chapter 102 so as to eliminate certain requirements of preserving certain records; and for related purposes.

Be it enacted by the Legislature of the State of Mississippi.

Section 1. Section 1, Chapter 102, Laws of the Extraordinary Session of 1955, shall be amended to read as follows:

Section 1. The State Board of Election Commissioners shall, as soon as practicable and thereafter at such times as it may deem advisable, consistently with the Constitution, prepare a series of application blanks, including the oath of the person offering to register, in compliance with Section 242 of the Constitution of this State, and including blank forms for furnishing of information, showing date of application, which shall be the date of registration if such applicant be approved for registration; name of applicant; age; occupation; where business carried on; if employed, by whom; place of residence; date such residence began; previous place of residence; what oath applicant takes; if more than one person of same name in precinct, by what name applicant wishes to be called; whether applicant has been convicted, and if so, when and where, of any of the crimes [fol. 507] referred to in Section 241 of the Constitution of Mississippi, which are bribery, theft, arson, obtaining money under false pretenses, perjury, forgery, embezzlement or bigamy; all designed to test the ability of applicants for registration to vote to read and write any section of the Constitution of this State and give a reasonable interpretation thereof, and demonstrate to the county registrar a reasonable understanding of the duties and obligations of citizenship under a constitutional form of government. Such applications shall be designed to exhibit the essential facts and qualifications necessary to

show that such person is entitled to register and vote. Copies of such application blank forms shall be delivered to the county registrar of each county, and such copies shall be supplied to each county registrar as needed. The oath required by Section 242 of the Constitution shall be administered by the registrar. The board of supervisors is authorized to make proper allowances for office supplies reasonably necessary by this Act.

If no appeal has been or is taken as provided by law from the ruling of the registrar upon any application for registration, or if any application for registration is abandoned or waived by the applicant therein by making another application for registration before any final judgment or decision has been rendered on any prior application, or otherwise waived or abandoned same, the registrar is not required to retain or preserve any record made under the provisions hereof.

[fol. 508] Section 2. Section 2, Chapter 102, Laws of the Extraordinary Session of 1955, shall be amended to read as follows:

Section 2. The county registrar shall examine each applicant for registration by having such person write, date and sign an application as prepared by the State Board of Election Commissioners, in the presence of the county registrar, without assistance or suggestion from any person or memorandum whatever; provided that in case an applicant be physically disable to read and write, or read or write, his application, the same shall, upon oath of such disability, be written at his unassisted dictation by the county registrar. Affidavit showing such disability and the nature thereof shall be filed with the county registrar. In addition to the aforesaid written examination, the county registrar shall determine the applicant's qualifications to register by propounding of suitable questions to be answered under oath by the applicant.

If no appeal has been or is taken as provided by law from the ruling of the registrar upon any application for registration, or if any application for registration is abandoned or waived by the applicant therein by making another application for registration before any final judgment or decision has been rendered on any prior application, or otherwise waived or abandoned same, the registrar is not

required to retain or preserve any record made under the provisions hereof.

Section 3. This Act shall take effect and be in force from and after its passage.

Approved April 15, 1960.

[fol. 509]

APPENDIX XI-A TO ANSWER

House Bill No. 900

An Act to amend section 1, chapter 104, laws of 1955 extraordinary session, declaring and clarifying the original intent thereof and providing that the requirements thereof were and are mandatory, and no application shall be approved unless the requirements thereof are complied with; and to insert the requirement of section 241-A of the constitution of Mississippi that no person shall be registered unless he be of good moral character.

Be it enacted by the Legislature of the State of Mississippi:

Section 1. Section 1, chapter 104, laws of 1955 extraordinary session, is amended to read as follows:

Section 1. Person not to register unless he can read and write. A person shall not be registered unless he be able to read and write any section of the constitution of this state and give a reasonable interpretation thereof to the county registrar. He shall demonstrate to the county registrar a reasonable understanding of the duties and obligations of citizenship under a constitutional form of government; he shall also demonstrate to the county registrar that he is a person of good moral character.

The person applying to register shall make a sworn, written application for registration on a form prescribed by the state board of election commissioners, exhibiting therein the essential facts and qualifications necessary to show that he is entitled to register and vote, said application to be entirely written, dated and signed by the applicant in the presence of the county registrar, without assistance or suggestion from any person or memorandum whatever; provided, however, that if the applicant is unable to write [fol. 510] his application by reason of physical disability,

the same, upon his oath of such disability, shall be written at his unassisted dictation by the county registrar. As originally enacted each provision is and it is further declared to be mandatory and not directory; no application should have been mandatory and not directory; no application should have been and shall not be approved or the applicant declared qualified to register to vote unless all blank spaces in the application and the oath are properly and responsively filled out by the applicant; and the oath, as such, shall be signed by the applicant; and the application, as such, shall be signed separately by the applicant at the places thereon provided for applicant's signature.

Provided, however, the provisions herein imposed shall not be required of any person who was a duly registered and qualified elector of this state prior to January 1, 1954; except that from and after the effective date of this act no person shall be permitted to register unless he demonstrates to the county registrar that he is of good moral character as required by the provisions of Section 241-A of the Constitution of Mississippi.

Section 2. Should any provision of this act be held to be unconstitutional or otherwise invalid for any reason, such holding shall not be construed to affect the validity of any other part or portion of this act.

[fol. 511] Section 3. That this act shall take effect and be in force from and after its passage.

Approved May 23, 1962.

[fol. 512] APPENDIX XI-B TO ANSWER

House Bill No. 901

An Act to amend section 3232, Mississippi Code of 1942, Recompiled, so as to eliminate from the poll book the color of the electors appearing thereon.

Be it enacted by the Legislature of the State of Mississippi:

Section 1. That Section 3232, Mississippi Code of 1942, Recompiled, be and the same is hereby amended to read as follows:

3232. Form of poll book. The poll book of each election district shall have printed or written at the top of each page

words to designate the election district for which it is to be used, and shall be ruled in appropriate columns, with printed or written headings, as follows: Date of registration; name of electors; age; and a number of blank columns for the dates of elections. All who register within four months before any regular election shall be entered on the poll books immediately after such election, and not before, so that the poll books will show only the names of those qualified to vote at such election. When election commissioners determine that any elector is disqualified from voting, by reason of being delinquent for poll tax, removal from the precinct, or other cause, that fact shall be noted on the registration book and his name shall be erased from the poll book. After disqualification for delinquency has been removed in subsequent years, the name of such elector shall be reinstated on the poll book without re-registration, [fol. 513] and that fact shall be noted in the registration book.

Section 2. This act shall take effect and be in force from and after its passage.

Approved May 23, 1962.

[fol. 514]

APPENDIX XI-C TO ANSWER

House Bill No. 903

An Act providing what shall be endorsed upon the applications to register which have been passed upon by the registrar; and for related purposes.

Be it enacted by the Legislature of the State of Mississippi:

Section 1. When the registrar shall have determined that an applicant to register to vote has qualified to register under the Constitution and laws of the State of Mississippi, he shall endorse upon the application the word "passed," or a word or words of equivalent meaning, and the applicant shall be entitled to register upon his request for registration made in person to the registrar, or deputy registrar, if a deputy registrar has been appointed. As is now required by law, no person other than the registrar or a deputy registrar shall register any applicant. It shall be

the responsibility of an applicant for registration to make inquiry of the registrar, or the deputy registrar, if a deputy registrar has been appointed, to determine whether such applicant has passed and is qualified to register.

Section 2. If applicant be of good moral character, but has not otherwise complied with the Constitution and laws of this state to entitle him to vote, then the registrar shall endorse upon the application the word "failed," without specifying the reason or reasons therefor, as so to do may [fol. 515] constitute assistance to the applicant on another application.

Section 3. If applicant is otherwise qualified to register, but fails to demonstrate to the registrar that applicant is of good moral character and the registrar so finds, the registrar shall endorse upon the application the words "not of good moral character," and shall state the facts or reasons why he finds applicant not to be of good moral character.

Section 4. If applicant is not otherwise qualified under said Constitution and laws and fails to demonstrate that he is of good moral character, then the registrar shall endorse upon the application the word "failed," and may endorse thereon the words "not of good moral character," but if he endorses the latter on the application he shall state the facts and reasons why he finds applicant not to be of good moral character.

Section 5. If any part or portion of this act is held unconstitutional or invalid, such shall not affect any remaining part or portion hereof.

Section 6. This act shall take effect and be in force from and after its passage.

Approved May 23, 1962.

[fol. 516]

[File Endorsement Omitted]

IN THE UNITED STATES DISTRICT COURT FOR SOUTHERN
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

Civil Action No. 3312

ANSWER OF DEFENDANT, MRS. MARTHA TURNER LAMB,
CIRCUIT CLERK AND REGISTRAR OF LEFLORE COUNTY—Filed
May 13, 1963

First Defense

The Complaint fails to state a claim against this Defendant upon which relief can be granted.

Second Defense

This Court as composed lacks jurisdiction over the subject matter of this action and over this Defendant.

Answer to First Claim

1. This Defendant denies that this Court has jurisdiction of this action.

2. This Defendant admits that the State of Mississippi is joined as a Defendant but denies that the State is properly joined as a Defendant, and in addition says that Section [fol. 517] 601 (b) of the Civil Rights Act of 1960 is unconstitutional.

3. This Defendant denies that the Mississippi State Board of Election Commissioners is an agency of the State of Mississippi, and admits the other allegations of Paragraph 3 of the Complaint.

4. This Defendant admits the averments of Paragraph 4 of the Complaint.

5. This Defendant admits the averments of Paragraph 5 of the Complaint.

6. This Defendant admits the averments of Paragraph 6 of the Complaint.

7. This Defendant admits the averments of Paragraph 7 of the Complaint.

8. This Defendant admits the averments of Paragraph 8 of the Complaint.

9. This Defendant admits the averments of Paragraph 9 of the Complaint.

10. This Defendant denies that registrars of voters in Mississippi, including this Defendant registrar, are agents of the Mississippi State Board of Election Commissioners and of the State of Mississippi; and denies that said registrars administer and enforce the Mississippi constitutional and statutory provisions which set out the requirements and procedures for the registration of voters. The said registrars are appointees, but not agents, of the Mississippi State Board of Election Commissioners. They perform [fol. 518] only those duties imposed upon them by the statutes of Mississippi.

11. This Defendant denies that all registrars of voters in the State of Mississippi since at least 1892 have been white citizens.

12. This Defendant denies the allegations of Paragraph 12 of the Complaint with reference to the voting age population and number of registrants in Leflore County. The number of registrants in said county is not accurately stated for the reason among others that Plaintiff has not excluded therefrom the large numbers of registrants who died and moved out of the county after registering. The "voting age population" alleged by Plaintiff has no significance for the reason among others that Plaintiff has not excluded therefrom the number of those whites and negroes twenty-one years and upwards who have not resided in Mississippi for two years and one year in the election district, or in the incorporated city or town in which he offers to vote. For answer to the remaining averments of Paragraph 12 of the Complaint, this Defendant hereby adopts the answers of the other Defendant registrars to the averments of Paragraph 12 of the Complaint as her answer thereto.

13. This Defendant denies the averments of Paragraph 13 of the Complaint.

14. This Defendant denies the averments of Paragraph 14 of the Complaint. Under the Constitution of the State of Mississippi prior to 1890, no inhabitant of this state who had not been duly registered according to the requirements thereof was a qualified elector.

15. This Defendant denies the averments of Paragraph 15 of the Complaint.

16. This Defendant denies the averments of Paragraph 16 of the Complaint except the averment that in 1890 a Mississippi Constitutional Convention adopted a new State Constitution.

17. This Defendant denies the allegations of Paragraph 17 of the Complaint except this Defendant admits the existence of Section 244 of the Mississippi Constitution of 1890 and assents that said section is itself the best evidence of its content. It is obvious from the content of said Section 244 that its purpose was the laudable one of upgrading the electorate of Mississippi by requiring every elector regardless of his or her race, color, or previous condition of servitude, to be able to read any section of the Constitution of the State of Mississippi, or able to understand the same when read to him, or able to give a reasonable interpretation thereof.

18. Registration has been a prerequisite for voting since the adoption of the 1869 Constitution of the State of Mississippi. This Defendant denies that registration in Mississippi is permanent. New registrations are authorized by statute whenever the conditions specified in the statute exist.

19. This Defendant denies the allegations of Paragraph 19 of the Complaint.

20. This Defendant is without knowledge or information [Pl. 520] sufficient to form a belief as to the truth of the allegations contained in Paragraph 20 of the Complaint. As is true of so many other allegations in the Complaint, this Defendant is unable to see the materiality of the number of registrants in 1899 or to understand why the Plaintiff selected that particular year.

21. This Defendant denies the averments of Paragraph 21 of the Complaint.

22. This Defendant denies the allegations of Paragraph 22 of the Complaint except this Defendant admits the United States Court of Appeals for the Fifth Circuit in *Peay v. Cox*, 190 F. 2d 123, as dicta, mentioned the "either-or elements of Section 244." The rationale of this case was that Mississippi has provided, for those who claim that they have been illegally denied registration by a registrar, an administrative remedy which is simple, cheap and effective, and that an aggrieved applicant for registration in Missis-

issippi must exhaust this remedy before seeking an injunction to control a registrar in the performance of his duties.

23. This Defendant admits that in 1951 a higher percentage of negroes of voting age were literate than in 1890.

24. In 1952 a proposed amendment to Section 244 of The Constitution of the State of Mississippi, such as is described [fol. 521] in Paragraph 24 of the Complaint, was passed by a two-thirds vote of each house of the legislature, and was thereafter submitted to the voters in a general election. It failed because a majority of the qualified electors voting in the election did not vote for the proposed amendment. The joint resolution mentioned in the complaint is the best evidence of its content.

25. This Defendant denies the allegation that the legislature of Mississippi did not meet in 1953. This Defendant admits that in 1954 the Mississippi Legislature proposed to amend Section 244 of the Constitution of 1890 of the State of Mississippi so as to cause it to read as follows:

"Section 244. Every elector shall, in addition to the foregoing qualifications be able to read and write any section of the Constitution of this State and give a reasonable interpretation thereof to the county registrar. He shall demonstrate to the county registrar a reasonable understanding of the duties and obligations of citizenship under a constitutional form of government.

"The person applying to register shall make a sworn, written application for registration on a form to be prescribed by the state board of election commissioners, exhibiting therein the essential facts and qualifications necessary to show that he is entitled to register and vote, said application to be entirely written, dated and signed by the applicant in the presence of the county registrar, without assistance or suggestion from any person or memorandum whatever; provided, however, that if the applicant is unable to write his application by reason of physical disability, the same, upon his oath of such disability, shall be written at his unassisted dictation by the county registrar.

"Any new or additional qualifications herein imposed shall not be required of any person who was a

duly registered and qualified elector of this state prior to January 1, 1954.

"The Legislature shall have the power to enforce the provisions of this section by appropriate legislation."

26. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 26 of the Complaint.

27. This Defendant denies the averments of Paragraph 27 of the Complaint. The proposed amendment to Section 244 of the Constitution of 1890 of the State of Mississippi plainly and clearly requires every qualified elector, regardless of his or her race, color, or previous condition of servitude, to be able to read and write any section of the Constitution of this state and to give a reasonable interpretation thereof. Its provisions apply to whites and negroes alike. If anyone is disqualified by reason thereof, his or her disqualification stems from his or her inability to read and write any section of the Constitution of this state and to give a reasonable interpretation thereof, not from his or her race, color, or previous condition of servitude.

28. This Defendant denies the allegations of Paragraph 28 of the Complaint except this Defendant admits that during the regular 1954 session of the Mississippi Legislature, a concurrent resolution was adopted by the House of Representatives, April 7, 1954, and by the Senate, April 28, 1954, whereby The Legal Educational Advisory Committee was established and charged as follows:

"Said Committee shall formulate a plan or plans of legislation, prepare drafts of suggested laws, and recommend courses of action for consideration by the legislature whereby the state may, by taxation or otherwise, provide education and/or assistance in obtaining education for all of its citizens *consistent with the provisions of the Constitution of the United States and the Constitution of the State of Mississippi.*"

[fol. 524] 29. This Defendant denies the allegations of Paragraph 29 of the Complaint including the allegation that in 1954 the Supreme Court declared that state operation of racially segregated schools was unconstitutional.

30. This Defendant one allegation of Paragraph 30 except that Defendant admits that in September, 1954, the Mississippi Legislature by the adoption of Chapter 391 General Laws of Mississippi, Extraordinary Session of 1954, submitted to the qualified electors of Mississippi for their approval or rejection an amendment to the Constitution of the State of Mississippi, recommended by The Legal Education Advisory Committee. This Defendant says that said Chapter 39 is the best evidence of its contents.

31. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments that on November 2, 1954, there were approximately 472,000 registered voters in Mississippi qualified to vote on the proposed amendment to Section 244 of the Constitution of 1890 of the State of Mississippi, and that of that number about ninety-five percent were white and fewer than five percent were negro, but if those averments be true the disparity in the voting strength of the whites and negroes was not due to their race, color or previous condition of servitude, but in large part to the apathy and indifference of the negroes toward their responsibilities of citizenship. This Defendant denies that public educational facilities provided for negroes were and are inferior to those provided for white persons.

[fol. 525] 32. On December 21, 1954, a proposed amendment to Article 8 of The Constitution of the State of Mississippi, to be numbered Section 213-B, was adopted at the election held to consider the same. The amendment is the best evidence of its contents.

33. This Defendant admits the allegations of Paragraph 33 of the Complaint but states that the legislature was called in session for purposes in addition to the one alleged in the Complaint, such other purposes being those set forth in the proclamation of Hugh White, Governor, dated December 29, 1954.

34. This Defendant denies the allegations of Paragraph 34 of the Complaint except this Defendant admits the adoption of chapters 102 and 104 of the Laws of the extraordinary session of the Mississippi Legislature, 1955, and asserts that said two chapters are the best evidence of their contents.

35. This Defendant denies the averments of Paragraph 35 of the Complaint. The more stringent requirements for registration put in force by the amendment to Section 244 of the 1890 Constitution of the State of Mississippi and the legislation adopted pursuant thereto apply to every Mississippian who applies for registration, regardless of his or her race, color previous condition of servitude. The exemption from those additional requirements granted therein to those who had registered and were qualified electors of the state prior to January 1, 1954, was given to all who [fol. 526] fell within such category, regardless of their race, color or previous condition of servitude. Every Mississippian who was eligible for registration prior to January 1, 1954, and who neglected to register prior to January 1, 1954, has only himself or herself—not his or her race, color or previous condition of servitude—to blame for the fact that he or she thereafter became subject to the more stringent requirements imposed by the amendment to Section 244 of the Constitution of 1890 of the State of Mississippi and the legislation adopted pursuant thereto. It is obvious that in the course of a few years all qualified electors of Mississippi will have been subjected to and will have met the requirements of said amendment.

36. This Defendant admits that since 1955 he as well as many other registrars in Mississippi have enforced the requirements of Section 244, as amended, when negroes have attempted to register to vote, by requiring negroes to interpret sections of the Mississippi Constitution and to demonstrate their understanding of the duties and obligations of citizenship on the form prescribed by the State Board of Election Commissioners. Since 1955, he and the other registrars have also enforced the requirements of Section 244, as amended, when white persons have attempted to register to vote, by requiring white persons to interpret sections of the Mississippi Constitution and to demonstrate their understanding of the duties and obligations of citizenship [fol. 527] on the forms prescribed by the State Board of Election Commissioners.

37. This Defendant is without knowledge or information sufficient to form a belief as to the averments contained in Paragraph 37 of the Complaint.

38. This Defendant denies the averments of Paragraph

38 of the Complaint except that he admits that registrars of voters may select the particular section of the Constitution of the State of Mississippi which an applicant for registration is called upon to read, write and interpret. The registrars are not vested with unlimited discretion to determine the qualifications of applicants for registration. Pursuant to the provisions of Section 248 of the Constitution of 1890 of the State of Mississippi, which provides:

"Suitable remedies by appeal or otherwise shall be provided by law, to correct illegal or improper registration and to secure the elective franchise to those who may be illegally or improperly denied the same."

there has been enacted into law—

Section 2111 of the Code of 1942 Recompiled which provides that—

"If any registrar appointed by law to register votes, shall intentionally refuse or neglect to register any voter entitled to registration, or register any voter not entitled to registration, he shall be punished, on conviction, by imprisonment in the penitentiary not less than [fol. 528] one year nor more than three years."

Section 3240 of the Code of 1942 Recompiled which requires the county election commissioners to meet on the Tuesday after the third Monday in March of every year and revise registration books by erasing therefrom the names of all persons erroneously thereon and to register thereon the names of all persons who have duly applied to be registered and have been illegally denied registration.

Section 3224 of the Code Recompiled which provides:

Any person denied the right to register as a voter may appeal from the decision of the registrar to the Board of Election Commissioners by filing with the registrar, on the same day of such denial or within five days thereafter, a written application for appeal."

Section 3226 of the Code of 1942 Recompiled which requires the county election commissioners to meet at the courthouse on the first Monday in October of every year to "hear and determine all appeals from the decisions of

the registrar of their county, allowing or refusing the application of electors to be registered; and they shall correct illegal or improper registrations, and shall secure the elective franchise, as effected by registration, to those who may be illegally or improperly denied the same."

[fol. 529] Sections 3113 and 3226.5 of the Code of 1942 Recompiled which requires the county election commissioners to meet on the third Tuesday in May before the first primary election for congressmen in the years when congressmen are elected, and on the third Monday of July prior to any other regular election, and five days before and other election, and carefully revise the registration books by erasing therefrom the names of all persons erroneously thereon and to register thereon the names of all persons who have duly applied to be registered and have been illegally denied registration, and to hear and determine any appeals which may have been perfected and which are pending on said dates from the decisions of the registrar of their county allowing or refusing the applications of persons to be registered.

Sections 3239 and 3226.5 of the Code of 1942 Recompiled which requires the county election commissioners to meet on the first Monday of October preceding a general election, and five days before any other election, and carefully revise the registration books by erasing therefrom the names of all persons erroneously thereon and to register thereon the names of all persons who have duly applied to be registered and have been illegally denied registration, and to hear and determine any appeals which may have been perfected and which are pending on said dates from the decisions of the registrar of their county allowing or refusing the application of persons to be registered.

[fol. 530] Section 3227 of the Code of 1942 Recompiled which provides with respect to appeals taken pursuant to Section 3224—

"All cases on appeals shall be heard by the boards of election commissioners de novo, and oral evidence may be heard by them; and they are authorized to administer oaths to witnesses before them; and they have power to subpoena witnesses, and to compel their attendance; to send for persons and papers; to require the sheriff and constables to attend them and to exe-

cute their process. The decisions of the commissioners in all cases shall be final as to questions of fact, but as to matters of law they may be revised by the circuit and Supreme Courts. The registrar shall obey the orders of the commissioners in directing a person to be registered, or a name to be stricken from the registration books."

Section 3228 of the Code of 1942 Recompiled which gives any elector aggrieved by the decision of the county election commissioners the right of appeal to the circuit court, on the filing of a bill of exceptions thereto.

Section 3230 of the Code of 1942 Recompiled which provides—

"Should the judgment of the circuit court be in favor of the right of an elector to be registered, the court [fol. 531] shall so order, and shall, by its judgment, direct the registrar of the county forthwith to register him."

39. In answer to Paragraph 39 of the Complaint this Defendant admits the Mississippi Constitution contains 285 sections, denies the other allegations of said paragraph, and says that the Mississippi Constitution is itself the best evidence of its contents.

40. This Defendant denies the allegations of Paragraph 40 of the Complaint, and in addition asserts that the states of the union were given by the Constitution of the United States, the exclusive right and prerogative to prescribe the qualifications of voters and hence the decision as to those qualifications must be left to the states and not usurped by the federal executive or judiciary. She also asserts that Mississippi has the constitutional right to decide that the dangers and problems inherent in the times in which we live are such that the welfare of Mississippi and the nation requires a literate and informed electorate and to take steps to obtain such electorate by requiring that applicants for registration give a reasonable interpretation of a section of Mississippi's constitution.

41. This Defendant denies the averments of Paragraph 41 of the Complaint.

42. This Defendant denies that Section 244 of the Mississippi Constitution, as amended, is unconstitutional, and specifically denies the averments of subparagraphs (a), (b), [fol. 532] (c), (d), and (e) of Paragraph 42 of the Complaint.

43. This Defendant denies the allegations of Paragraph 43 of the Complaint, but admits that she and her deputy, unless restrained by order of this Court, will continue without discrimination to enforce Section 244, as amended, and its implementing statutory provisions as qualifications for registration to vote.

Answer to Second Claim

44. This Defendant, in answer to Paragraph 44 of the Complaint, adopts her answers to Paragraphs 1 through 34, and to Paragraph 37, of the Complaint.

45. This Defendant denies the allegations of Paragraph 45 of the Complaint except this Defendant admits that in 1960 the Mississippi legislature passed a joint resolution to submit to the qualified electors of Mississippi for their adoption or rejection an amendment to or change in Article 12 of the Mississippi Constitution of 1890 by adding thereto the following as Section 241-A thereof:

"Section 241-A. In addition to all other qualifications required of a person to be entitled to register for the purpose of becoming a qualified elector, such person shall be of good moral character."

This Defendant also admits the amendment was submitted to the qualified electors of the state for ratification or adoption at an election held November 8, 1960, and was adopted. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments that on November 8, 1960, there were approximately 525,000 registered voters in Mississippi who were eligible to vote [fol. 533] on said proposed amendment, and that of that number about ninety-five percent were white and fewer than five percent were negro.

46. This Defendant admits the averments of Paragraph 46 of the Complaint.

47. This Defendant admits the averments of Paragraph 47 of the Complaint except that this Defendant is without knowledge or information sufficient to form a belief as to whether the steps undertaken by the United States were undertaken "throughout the State of Mississippi," and as to whether the action mentioned in said Paragraph was a matter of common knowledge throughout the State of Mississippi.

48. This Defendant admits the averments of Paragraph 48 of the Complaint but adds that no such injunction such as is described therein as having been issued against the Registrar of Forrest County could be justifiably issued by any Court against this Defendant because this Defendant does not engage, and never has engaged, in discriminatory acts and practices based on race in the registration for voting in Leflore County. If the Registrar of Forrest County has engaged in discriminatory acts and practices based on race in the registration for voting in Forrest County, that fact, if it be a fact, can in no way prejudice this Defendant and is immaterial and impertinent to this suit.

49. This Defendant denies the allegations of Paragraph 49 of the Complaint except that she admits the Mississippi legislature in 1962 adopted Chapters 575, 569, 572 and 573 of Laws of Mississippi of 1962 and asserts that said chapters are the best evidence of their contents.

[fol. 534] 50. This Defendant denies the averments of Paragraph 50 of the Complaint. The requirement that a person to be entitled to register for the purpose of becoming a qualified elector shall be of good moral character applies to every Mississippian who applies for registration; regardless of his or her race, color, or previous condition of servitude. Registration to vote is not denied or abridged on account of race, color, or previous condition of servitude, by the fact that those offering to register prior to the effective date of the legislation implementing Section 241-A of the Constitution of the State of Mississippi were not registered to be of good moral character and those offering to register subsequent to such date are, and have been, subject to such requirement. That fact is applicable to all citizens, regardless of race, color, or previous condition of servitude. Every Mississippian who was eligible

for registration prior to such date, and who neglected to register prior to such date, has only himself or herself—not his or her race, color, or previous condition of servitude—to blame for the fact that he or she thereafter became subject to such requirement.

The Good moral character requirement for registration is no more a device for discrimination against negroes than is the good moral character requirement for admission to practice before the Supreme Court of the United States. It does not constitute a means of discrimination which would make detection more difficult.

[fol. 535] 51. This Defendant denies the averments of Paragraph 51 of the Complaint.

52. This Defendant denies the averments of Paragraph 52 of the Complaint.

53. This Defendant denies the averments of Paragraph 53 of the Complaint.

54. This Defendant denies the allegation of Paragraph 54 of the Complaint except this Defendant admits she will, unless restrained by order of this Court, enforce without discrimination Section 241-A and its implementing statutory provisions as a qualification for registration to vote. Defendant has never rejected any application for voter registration on the ground that the applicant was not of good moral character.

Answer to Third Claim

55. This Defendant, in answer to Paragraph 55 of the Complaint, adopts her answers to Paragraphs 1 through 34, and to Paragraph 37, and to Paragraphs 45 through 49, of the Complaint.

56. This Defendant denies the allegations of Paragraph 56 of the Complaint except this Defendant admits the adoption of Chapter 102 of the Laws of the Extraordinary Session 1955 and asserts that said chapter is the best evidence of its contents.

57. This Defendant admits the adoption of the Civil Rights Act of 1957, asserts that the Act is itself the best evidence of its contents, and denies that said Act authorized the Attorney General of the United States "to bring civil actions to protect the right to vote without distinction of race or [fol. 536] color."

58. This Defendant denies the allegations of Paragraph 58 of the Complaint except this Defendant admits that the Mississippi Legislature adopted Chapter 510 of the Laws of 1960, that on April 15, 1960, said legislature adopted chapter 449 of the Laws of 1960, and that at a later date, May 6, 1960, the Congress passed Title III of the 1960 Civil Rights Act, and this Defendant asserts that said statutes and resolution are the best evidence of their contents.

59. This Defendant denies the averments of Paragraph 59 of the Complaint except that this Defendant admits that some registration forms, including some forms received by the Defendant, H. K. Whittington, have been destroyed under the authority of said Chapter 449.

60. This Defendant denies the averments of Paragraph 60 of the Complaint. This Defendant has not heretofore destroyed voter registration records in violation of Title III of the Civil Rights Act of 1960, and she has no intention of doing so.

Answer To Fourth Claim

61. In answer to Paragraph 61 of the Complaint, this Defendant adopts her answers to Paragraphs 1 through 34, to Paragraph 37, to Paragraphs 45 through 49, and to Paragraphs 56 through 58 of the Complaint.

62. This Defendant admits that in 1961 and 1962 negroes conducted oveter registration drives in some counties in Mississippi, admits that negroes were candidates for the Office of Representative in the Congress of the United States, and admits that these facts were publicized. This [fol. 537] Defendant denies the other allegations of Paragraph 62 of the Complaint.

63. This Defendant supposes the averments of Paragraph 63 of the Complaint are true but he also assumes that many explanations, in addition to the explanation set forth in said paragraph, were also made to the Court in that case. In any event, this Defendant denies that the explanations of counsel for Plaintiff made to the Court in that case had the repercussions attributed to it by Plaintiff. The explanations to the Court of counsel for Plaintiff in the case mentioned in said paragraph are of small importance, even of no importance, to the people of Mississippi, and any results therefrom have been limited to actions taken in that

particular case. This Defendant never heard of the alleged explanation to the Court until she learned of it from the Complaint herein.

64. This Defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 64 of the Complaint. Answering further, this Defendant says that she has not turned down any application to register because of the omission therein of applicant's precinct, the failure to sign the oath to the application, or the failure to sign on the line below the minister's oath on Page 3 of the application. This Defendant says further that she is not responsible for and cannot be prejudiced by the alleged actions of the Forrest County registrar.

65. This Defendant denies the allegations of Paragraph 65 of the Complaint except this Defendant admits that on April 10, 1962, the U. S. Court of Appeals for the Fifth Circuit granted an injunction pending appeal against the [fol. 538] Registrar of Forrest County, Mississippi, and the State of Mississippi, and asserts that said injunction is the best evidence of its contents. No such injunction has been issued against this Defendant and no such injunction could rightfully be issued against this Defendant.

66. This Defendant denies the allegations of Paragraph 66 of the Complaint except this Defendant admits that the Mississippi Legislature adopted during its 1962 Session House Bills 900, 901, 905, 822, 904, and 903, and asserts that said House Bills are the best evidence of their respective contents.

67. This Defendant denies the allegations of Paragraph 67 of the Complaint.

68. This Defendant denies the averments of Paragraph 68 of the Complaint.

69. This Defendant admits that she and the other registrars are required to apply the requirements of the statutes of this state, but she denies that those requirements are onerous or that their existence, enforcement and threat of enforcement have deterred, are deterring or will continue to deter otherwise qualified negroes from applying to register to vote. This Defendant says further that she has never disqualified any applicant, negro or white, for any formal, technical, or inconsequential error or omission on

the application form, and that the publication of the names of applicants for registration has never resuted in Leflore County in any challenge to an applicant.

70. This Defendant denies the allegations of Paragraph 70 of the Complaint except this Defendant admits that she [fol. 539] and her deputy, unless restrained by order of this Court, will enforce the registration requirements of this state.

71. This Defendant denies that the Plaintiff is entitled to the relief prayed for or to any other relief in this action.

Bell & McBee, Attorneys at Law, 213 River Road, Greenwood, Mississippi. Lott & Sanders, Attorneys at Law, Aven Building, Greenwood, Mississippi. By Hardy Lott, Attorneys of Record herein for the Defendant, Mrs. Martha Turner Lamb, Circuit Clerk and Register of Leflore County, Mississippi.

[fol. 540] . Certificate of service omitted in printing.

[fol. 541] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

Civil Action No. 3,312

[Title omitted]

ANSWER OF WENDELL R. HOLMES, CIRCUIT CLERK AND
REGISTRAR OF PIKE COUNTY, MISSISSIPPI, ONE OF THE DE-
FENDANTS—Filed May 13, 1963

Comes now Wendell R. Holmes, Circuit Clerk and Registrar of Pike County, Mississippi, one of the defendants, hereinafter referred to in this Answer as "this defendant" and for his answer to the Complaint says:

First Defense

The complaint fails to state a claim against the defendant upon which relief can be granted.

Second Defense

This court as composed lacks jurisdiction over the subject matter of this action and over this defendant.

Answer to First Claim

1. The jurisdiction of the plaintiff in this action is denied by this defendant.

2. This defendant admits that the State of Mississippi is joined as a party defendant but denies that the State of Mississippi is properly joined as a defendant.

3. Admitted, except that this defendant specifically denies the existence of the agency relationship as alleged in this paragraph.

4. Admitted.

5. Admitted.

[fol. 542] 6. Admitted.

7. Admitted.

8. Admitted.

9. Admitted.

10. This defendant denies that he, as a Registrar, has ever been an agent of the Mississippi State Board of Election Commissioners and an agent of the State of Mississippi and denies that he, as a Registrar, as such agent administers and enforces the Mississippi Constitutional and statutory provisions which set out the requirements and procedure for the registration of the voters. This defendant would show unto the Court that he is an appointee of the Mississippi State Board of Election Commissioners and that, as such appointee, he performs only those duties imposed upon him by law as regarding the registration of voters.

11. Denied.

12. This defendant denies that there are now, or were at the time of the filing of the Complaint herein, approximately 9,989 whites registered on the Registration books of Pike County and denies that there are now, or were at the time of the filing of the Complaint, approximately 124 Negroes registered on the Registration books of Pike County. The Registration books from which the aforesaid figures were apparently obtained include a large number of whites and Negroes who have died since the last general registra-

tion and a large number of both races who have moved from the county since said registration whose names have not been purged from the Registration books. Further, the "voting age population" stated in this paragraph of the Complaint does not reflect the true facts unless due consideration is given to the residence requirements of the eligibility to vote stated in the statutes related to qualification to vote in the State of Mississippi. This defendant is not advised of the statistics stated in the paragraph as applied to the other counties and for this reason neither admits nor denies the correctness thereof.

13. Denied.

14. Denied, because registration as provided by law was a prerequisite to becoming a qualified elector in Mississippi prior to 1890.

[fol. 543] 15. Denied.

16. Denied, except that a State Constitution was adopted in 1890 by a Mississippi Constitutional Convention.

17. It is admitted that Section 244 was incorporated in the Mississippi Constitution of 1890 but it is specifically denied by this defendant that said section was designed to accomplish the purposes alleged by the plaintiff in paragraph 16 of the Complaint, the true purpose behind the adoption of Section 244 was to upgrade the electorate of the State of Mississippi.

18. It is admitted that registration has been and is a prerequisite to voting or becoming a qualified elector but said registration has been required by law since the Constitution of 1869 was adopted. It is denied that registration is permanent.

19. It is denied by this defendant that the Mississippi Constitution of 1890 has resulted in the maintenance and promotion of white political supremacy and a racially segregated society in the State of Mississippi but this defendant would show that a racially segregated society has always existed in the State of Mississippi, which type of society has existed because of practice, custom and usage and not as a result of the enforcement of any unconstitutional law or statute.

20. The statistical allegations of this paragraph are neither admitted or denied and the percentage of Negro

males and white males becoming registered voters after 1899 is neither admitted or denied and this defendant will require strict proof thereof.

21. This defendant denies that during the period from 1899 to approximately 1952, white political supremacy was maintained in Mississippi and promoted by the methods stated in sub-paragraphs (a), (b) and (c) and this defendant would show unto the Court that during said period Negroes were allowed to register to vote on the same basis as any other applicant and Negroes were not excluded from the Democratic primary elections which exclusion resulted in victory in a Democratic primary, which victory was tantamount to an election since, during said period, the nominee of the Democratic party usually was successful [fol. 544] in the General Elections.

22. It is admitted that the United States Court of Appeals for the Fifth Circuit in June, 1951, rendered a decision, but the legal effect and interpretation thereof is as stated in the decision and not as alleged by the plaintiff in this paragraph and no emphasis was placed by the Court on any particular ruling, of which there were several stated in the decision.

23: Admitted.

24. It is admitted that a proposed amendment to Section 244 of the Mississippi Constitution of 1890 was submitted to the qualified electors and was adopted by the Mississippi Legislature in 1952 and the proposed amendment was submitted to the qualified electors voting in the general election and it is admitted that the proposed amendment was not adopted but the adoption resulted in the failure of a majority of the qualified electors voting in the election not voting for the proposed amendment and not for the reasons as stated in paragraph 24 of the Complaint.

25. It is denied that the Legislature of Mississippi did not meet in 1953. The Legislature of Mississippi in 1954 did adopt a proposed amendment to Section 244 of the Constitution of 1890 of the State of Mississippi, Chapter 427 Laws of 1954, and the proposed amendment to the section reads as follows:

"Section 244. Every elector shall, in addition to the foregoing qualifications be able to read and write any section of the Constitution of this State and give a rea-

sonable interpretation thereof to the county registrar. He shall demonstrate to the county registrar a reasonable understanding of the duties and obligations of citizenship under a constitutional form of government. "The person applying to register shall make a sworn, written application for registration on a form to be prescribed by the State Board of Election Commissioners, exhibiting therein the essential facts and qualifications necessary to show that he is entitled to register [fol. 545] and vote, said application to be entirely written, dated and signed by the applicant in the presence of the county registrar, without assistance or suggestion from any person or memorandum whatever; provided, however, that if the applicant is unable to write his application by reason of physical disability, the same, upon his oath of such disability, shall be written at his unassisted dictation by the county registrar.

"Any new or additional qualifications herein imposed shall not be required of any person who was a duly registered and qualified elector of this state prior to January 1, 1954.

"The Legislature shall have the power to enforce the provisions of this section by appropriate legislation."

and this defendant would show unto the Court that the legal effect of the Section is as stated therein and not necessarily as concluded and opinionated as stated by the plaintiff in paragraph 25 of the Complaint.

26. This defendant is without knowledge or information sufficient to form a belief as regarding the allegations of this paragraph 26 and strict proof of the same will be required by this defendant at a hearing hereon.

27. Denied. The proposed amendment to Section 244 of the Constitution of 1890 of the State of Mississippi is clear, unambiguous and legal and constitutional in every respect.

28. Denied, but this defendant would show unto the Court that during the regular 1954 session of the Mississippi Legislature a concurrent resolution was adopted by the

House of Representatives on April 7, 1954 and by the Senate on April 28, 1954 whereby the Legal Educational Advisory Committee was constituted and the joint resolution fixed and established the purposes and duties of said committee, it being specifically denied that the purposes of [fol. 546] the committee are as averred in paragraph 28 of the Complaint.

29. It is admitted that citizen councils (not "white citizen councils") were formed in Mississippi following the decision of the Supreme Court of the United States on May 17, 1954 in the case of Brown vs. Board of Education of Topeka, 347 U. S. 483, 98 L. Ed. 873, but the purposes of citizen councils as stated in this paragraph by the plaintiff are denied and the adoption of the first state-wide project of the councils as stated in this paragraph is denied.

30. On September 7, 1954 the Legislature of the State of Mississippi was convened in an extraordinary session to consider an amendment to the constitution of the State of Mississippi which amendment was as recommended by the Mississippi Legal Educational Advisory Committee, all of which is set forth in the proclamation of the Governor of the State of Mississippi convening the session.

This defendant is not advised as to the statistical arguments contained in this paragraph and therefore denies the same.

32. Admitted, but this defendant would show unto the Court that the outcome of this election was not predetermined by the race of the voters participating therein.

33. It is admitted that in January, 1955 an extraordinary session of the Mississippi Legislature was called, the purposes of which are set forth in the proclamation of the Governor dated December 29, 1954.

34. This defendant admits the adoption of Chapters 102 and 104 of the Laws of the Extraordinary Session of the Mississippi Legislature of 1955, the legal effect of which is as stated in said laws.

35. Denied, and this defendant, further by way of answer, would show unto the Court that the requirements referred to by plaintiff as being "more stringent" apply to every Mississippian who applies for registration, regardless of his or her race, color or previous condition of servitude and the same application is applicable to any

exemption that may be granted by said laws. Likewise, the statutes regulating the registration of voters in effect prior to January 1, 1954 apply to all citizens, regardless of their race, color or previous condition of servitude and [fol. 547] the fact that some citizens may have treated so lightly and frivolous their responsibility as a citizen to qualify to vote does not invalidate the exemption granted by said statutes.

36. This defendant admits that since 1955 he has enforced the requirements of Section 244, as amended, which enforcement has been applied by this defendant in the same manner and to the same extent to Negroes and whites alike.

37. The statistical averments of this paragraph are denied for the reason that this defendant is without knowledge or information sufficient to form a belief thereasto.

38. Denied, except that this defendant does admit that he as a Registrar of voters may select the particular section of the Constitution of the State of Mississippi, which an applicant for registration is called upon to read, write and interpret. This defendant, as well as other registrars, is not vested with unlimited discretion to determine the qualification of applicants for registration. Pursuant to the provisions of Section 248 of the Constitution of 1890 of the State of Mississippi, which provides:

"Suitable remedies by appeal or otherwise shall be provided by law, to correct illegal or improper registration and to secure the elective franchise to those who may be illegally or improperly denied the same."

there has been enacted into law—

Section 2111 of the Code of 1942 Recompiled which provides that —

"If any registrar appointed by law to register votes, shall intentionally refuse or neglect to register any voter entitled to registration, or register any voter not entitled to registration, he shall be punished, on conviction, by imprisonment in the penitentiary not less than one year nor more than three years."

[fol. 548] Section 3240 of the Code of 1942 Recompiled which requires the county election commissioners to meet on the Tuesday after the third Monday in March of every year and revise the registration books by erasing therefrom the names of all person erroneously thereon and to register thereon the names of all persons who have duly applied to be registered and have been illegally denied registration.

Section 3224 of the Code of 1942 Recompiled which provides:

“Any person denied the right to register as a voter may appeal from the decision of the registrar to the board of election commissioners by filing with the registrar, on the same day of such denial or within five days thereafter, a written application for appeal.”

Section 3226 of the Code of 1942 Recompiled which requires the county election commissioners to meet at the courthouse on the first Monday in October of every year to “hear and determine all appeals from the decisions of the registrar of their county, allowing or refusing the applications of electors to be registered; and they shall correct illegal or improper registrations, and shall secure the elective franchise, as effected by registration, to those who may be illegally or improperly denied the same.”

Sections 3113 and 3226.5 of the Code of 1942 Recompiled which requires the county election commissioners to meet on the third Monday in May before the first primary election for congressmen in the years when congressmen are elected, and on the third Monday of July prior to any other regular election, and five days before any other election, and carefully revise the registration books by erasing therefrom the names of all persons erroneously thereon and to register thereon the names of all persons who have duly applied to be registered and have been illegally denied registration, and to hear and determine any appeals which may have been perfected and which are pending on said dates from the decisions of the registrar of their county allowing or refusing the applications of persons to be registered.

Sections 3239 and 3226.5 of the Code of 1942 Recompiled which requires the county election commissioners to meet

[fol. 549] on the first Monday of October preceding a general election, and five days before any other election, and carefully revise the registration books by erasing therefrom the names of all persons erroneously thereon and to register thereon the names of all persons who have duly applied to be registered and have been illegally denied registration, and to hear and determine any appeals which may have been perfected and which are pending on said dates from the decisions of the registrar of their county allowing or refusing the application of persons to be registered.

Section 3227 of the Code of 1942 Recompiled which provides with respect to appeals taken pursuant to Section 3224—

“All cases on appeals shall be heard by the boards of election commissioners de novo, and oral evidence may be heard by them; and they have power to subpoena witnesses, and to compel their attendance; to send for persons and papers; to require the sheriff and constables to attend them and to execute their process. The decisions of the commissioners in all cases shall be final as to questions of fact, but as to matters of law they may be revised by the circuit and Supreme Courts. The registrar shall obey the orders of the commissioners in directing a person to be registered, or a name to be stricken from the registration books.”

Section 3228 of the Code of 1942 Recompiled which gives any elector aggrieved by the decision of the county election commissioners the right of appeal to the circuit court, on the filing of a bill of exceptions thereto.

Section 3230 of the Code of 1942 Recompiled which provides—

“Should the judgment of the circuit court be in favor of the right of an elector to be registered, the court shall so order, and shall, by its judgment, direct the [fol. 550] registrar of the county forthwith to register him.”

Statutes which give any elector aggrieved by any judgment of the circuit court against his right to be registered

the right of appeal to the Supreme Court of Mississippi.

Those statutes, which provide an administrative remedy described by the Fifth Circuit Court of Appeals as "simple and cheap", furnish ample and abundant safeguards against any arbitrary action by a registrar and so limit his discretion in the matter of determining the sufficiency or insufficiency of an application for registration that his decisions with respect thereto can only be described as highly tentative and entirely lacking in finality.

39. This defendant denies the averments of paragraph 39 of the Complaint and asserts that the Constitution of the State of Mississippi is the best evidence of its contents.

40. Denied, and in this regard this defendant refers to the First Article of the Constitution of the United States in which the right and duty to prescribe the qualification of voters is vested in the respective States of the Union, which rights and duties are not to be usurped by the federal judiciary. This defendant would further show unto the Court that good government requires a literate, intelligent and informed electorate and the Republican form of government that has been established might very well be destroyed if a continuous and systematic effort is not made to upgrade the electorate.

41. Denied, this defendant specifically stating that he has never used nor is he now using nor will he ever use the interpretation test and the duties and obligations test to deprive otherwise qualified Negro citizens of the right to register to vote and specifically denies that these tests, their enforcement or threat of their enforcement, have deterred, are deterring and will continue to deter otherwise qualified Negroes in Mississippi for applying for registration to vote. This defendant states, by way of this Answer, that no one, white or Negro, has been deterred by him or his office from making application because of the existence or the enforcement, of the tests aforementioned. Again, [fol. 551] this defendant denies that he as Registrar is an agent of the State of Mississippi. Further, this defendant specifically denies the existence of any so-called "pattern and practice of racial discrimination" as charged in the Amendment to Complaint.

42. Denied, and this defendant specifically denies the

averments of subparagraphs (a), (b), (c), (d), and (e) of paragraph 42 of the Complaint.

43. Admitted as to the acts and actions of this defendant.

Answer to Second Claim

44. This defendant in answer to paragraph 44 of the Complaint, adopts his answers to 1 through 34 and to paragraph 37 of the Complaint.

45. A resolution proposing an amendment to or change in Article XII of the Constitution of Mississippi, 1890, was adopted during the Regular 1960 Session of the Mississippi Legislature. The proposed amendment provided for the adding thereto the following Section 241-A thereof:

“Section 241-A. In addition to all other qualifications required of a person to be entitled to register for the purpose of becoming a qualified elector, such person shall be of good moral character.”

The proposed amendment was submitted to the qualified electors of the State of Mississippi for ratification or adoption at a general election held on November 8, 1960 and was adopted by a majority of the qualified voters participating in said election. This defendant is without knowledge or information sufficient to form a belief as to the statistical averments of paragraph 45 and therefore denies the same. Further, this defendant states that an analysis of the returns of the election would indicate that the votes for and against the adoption of the proposed amendment were not predetermined by the race of the voters.

46. Admitted.

47. This defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 47 of the Complaint and, therefore, denies the same.

[fol. 552] 48. This defendant admits that the United States has instituted litigation against registrars in the State of Mississippi for the purpose of obtaining injunctive relief to prevent registrars from engaging in certain activities and admits, on information and belief, that on April 10, 1962, the Circuit Court of Appeals for the Fifth Circuit did issue an injunction against the Circuit Clerk and

Registrar of Forrest County, Mississippi, but this defendant is not fully advised as to all of the provisions, legal effect and construction of said injunction. Nevertheless, this defendant states that no such injunction could justifiably be issued by any court against this defendant because this defendant does not engage, and never has engaged, in discriminatory acts and practices based on race in the registration of voting in Pike County, Mississippi. Further, by way of Answer this defendant states that discriminatory acts and practices said to have been committed by the Registrar of Forrest County, Mississippi, can in no wise prejudice this defendant because this defendant was not a party to said suit and the judgment of the court in said proceedings cannot in any manner apply against this defendant.

49. This defendant denies the allegations of paragraph 49 of the Complaint, except this defendant admits that the Mississippi Legislature adopted, in 1962, House Bill No. 899, Chapter 575, General Laws of Mississippi 1962; House Bill No. 905, Chapter 569, General Laws of Mississippi 1962; House Bill No. 822, Chapter 572, General Laws of Mississippi 1962; and House Bill No. 904, Chapter 573, General Laws of Mississippi 1962, but asserts that said House Bills are the best evidence of their contents.

50. Denied. The requirement that a person be entitled to register for the purpose of becoming a qualified elector shall be of good moral character applies to every person who applies for registration, regardless of his or her race, color or previous condition of servitude and the right of a citizen to vote is not denied or abridged on account of race, color or previous condition of servitude by the fact that applicants to register prior to the effective date of the legislation implementing Section 241-A of the Constitution of the State of Mississippi were not required to be of good moral character and those offering to register subsequent [fol. 553] to such date are, and have been, subject to such requirement.

The moral character requirement for registration is not a device for discrimination against Negroes nor whites and such requirement has been promulgated and enforced in many areas of Federal and State governments and in society throughout the United States.

51. Denied. Section 241-A of the Constitution of the State of Mississippi does not vest unlimited discretion in the registrars of voters to determine the good moral character of applicants for registration. The requirement is neither vague nor indefinite and the requirement does not inable nor require the registrars to arbitrarily determine such facts as plaintiff avers in sub-paragraphs (a), (b), (c), and (d).

52. Denied. No applicant in Pike County, Mississippi has ever been disqualified because of the character qualification and no prospective applicant, Negro or white, has been deterred or is being deterred to apply for registration because of the character qualification requirements. No otherwise qualified Negro has been deprived or will be deprived of his or her rights to register because of the threatened use of, or the use of the character requirement. This defendant again reiterates that he is not an agent of the State of Mississippi and specifically denies the existence of any so-called practice and pattern of racial discrimination."

53. Denied.

54. This defendant admits that he will, unless restrained by order of this Court, continue to enforce Section 241-A and its implementing statutory provisions as a qualification for the registration to vote, but he adds that he will, in continuing to enforce said section and said statutory provisions, continue to do so in a lawful and legal manner and not in any manner as alleged by the plaintiff. *

Answer to Third Claim

55. This defendant in answer to paragraph 55 of the Complaint, adopts his answers to paragraphs 1 through 34 and to paragraph 37 and paragraphs 45 through 49 of the Complaint [fol. 554] plaintiff.

56. This defendant admits that the Mississippi Legislature in 1955 passed a statute (Section 3209.6, Mississippi Code, 1942, Annotated) fixing certain duties for the State Board of Election Commissioners and the interpretation of the plaintiff of the statute is neither admitted nor denied, it being the contention of this defendant that said statute

is clear and unambiguous and capable of interpretation by this Court without the aid of conclusions averred by plaintiff.

57. This defendant denies the allegations of paragraph 57 of the Complaint, except this defendant admits that in 1957 the Congress of the United States enacted the Civil Rights Act of 1957, but asserts that said Act itself constitutes and contains the best evidence of its contents. This defendant denies that said Act vested the Attorney General of the United States with authority to bring civil actions to protect the right to vote without *distinction* of race or color.

58. This defendant admits that Congress adopted Section 1974 of Title 42 of the United States Code Annotated on May 6, 1960 and he also admits that the Mississippi Legislature adopted Chapter 449 of the Laws of 1960. This defendant points out, however, that the latter was adopted on April 15, 1960, which was prior to the former on May 6, 1960.

59. Denied, and this defendant specifically states that he is without sufficient information to form a belief as to what H. K. Whittington, another defendant, or any other defendant, has done with reference to the performance of his or her duties as registrars and, further, this defendant cannot be held responsible for any act that may have been committed by H. K. Whittington or any other defendant contrary to law. This defendant denies that he is an agent of the State of Mississippi and denies that there are requirements to register that are onerous and therefore the enforcement of the same could not result in the deprivation of any right constitutionally vested in any Negro or white citizen. Again, this defendant denies the existence of any so-called "pattern and practice of racial discrimination" as charged by the plaintiff.

[fol. 555] 60. Denied, this defendant stating unequivocally that he has not nor does he intend to commit any act in violation of Section 1974, Title 42 of the United States Code Annotated.

Answer to Fourth Claim

61. This defendant in answer to paragraph 61 of the Complaint adopts his answer to paragraphs 1 through 34, to paragraph 37, to paragraphs 45 through 49, and to paragraphs 56 through 58 of the Complaint.

62. This defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 62 of the Complaint and therefore denies the same.

63. This defendant is not advised as to what suits or litigation that has been initiated by the United States against registrars of the State of Mississippi and, assuming the allegations of paragraph 63 are facts, the litigation, statements of counsel, pleading of the parties and results therefrom have no effect on this defendant and the outcome of this suit that has been instituted against him.

64. This defendant is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 64 of the Complaint and would further show unto the Court that the allegations of the plaintiff are argumentative and speculative when plaintiff refers to what "highly educated" Negro applicants did or did not do. Further, this defendant states that, regardless of the actions which the Registrar of Forrest County may have taken or the registrars of any other county may have taken, such actions of the Registrar can in no way prejudice this defendant, and, further, this defendant would show unto the Court that no applicant, Negro or white, has ever been denied by this defendant the right to register and become qualified to vote because of any formal, technical and inconsequential error made by the applicant in his application to register.

65. This defendant is not fully advised as to the effect of the decision of the United States Court of Appeals for the Fifth Circuit entered on April 10, 1962, this defendant stating that the law of that case therein as stated and this Court [fol. 556] may construe the legal effect of the decision without the aid of opinionated averments of plaintiff in this cause. Further, the answer to this paragraph by this defendant is not to be construed as an admission of the constitutionality of the Civil Rights Acts said to have been a matter of controversy in said proceedings.

66. This defendant admits that the Mississippi Legislature adopted during the 1962 Session, House Bill 900, House Bill 901 and House Bill 905, House Bill 822, House Bill 904 and House Bill 903, but this defendant specifically denies that the purpose and effect of said legislation was to deter, hinder, prevent, delay and harass Negroes and to make it more difficult for Negroes to become registered voters, or to facilitate discrimination against Negroes, or to make it more difficult for plaintiff to protect the rights of its citizens to vote without distinction of race or color.

- (a) House Bill 900 is not unconstitutional.

Plaintiff misconstrues the true meaning and effect of House Bill 900. A correct construction is that the statute requires every applicant for registration, regardless of his race, color or previous condition of servitude to responsively and properly complete a simple application in order to register for voting and certainly the type of application actually used as authorized by the statute could not possibly facilitate discrimination against Negroes.

- (b) House Bill 901 is not unconstitutional.

The elimination of the designation of race on the county poll books is indicative of the fact that the so-called package of legislation referred to by the plaintiff was for the purpose of avoiding discrimination rather than facilitating discrimination.

- (c) House Bill 905 is not unconstitutional.

The requirement that a person have good moral character in order to register to vote is not an abuse of legislative authority in fixing and determining the requirements of a qualified elector. Such a requirement is a step forward in upgrading the electorate and demonstrates the interest of the State in preserving good government and this defendant again reiterates that such a requirement is applicable to all applicants seeking registration to vote whether they be white or Negro. Also, such a requirement of good moral character has been adopted before being eligible for employment with many governmental agencies, Federal and State, before being eligible for citizen-

ship, and before being privileged to practice many professions.

- (d) House Bill 822 and House Bill 904 are not unconstitutional. These statutes demonstrate the almost limited power an applicant has to request and obtain a full hearing on his or her rejection to register to vote and the same demonstrates that the statutes are applicable to whites and Negroes alike and are conclusive that they do not impose onerous, arbitrary and unreasonable procedures on prospective registrants. No applicant to register should receive assistance in completing his or her application and taking the test prescribed by statutes and to advise an applicant to register of the specific reason of rejection, other than for moral character reasons, would defeat the very purpose of the statutes and as administered by this defendant were not to facilitate discrimination on Negroes or in any manner or respect to deter, hinder, prevent, delay and harass Negroes and make it more difficult for Negroes to become registered to vote than any other race.

67. This defendant denies that the "package of legislation" referred to in this paragraph is unconstitutional.

- (a) House Bills 900 and 903:

[fol. 558] (1) No deprivation of the right to vote on account of race results because of formal, technical, or inconsequential errors or omissions by the applicant on the application form and this defendant has never denied the right to register because of any so-called formal, technical or inconsequential error or omission.

(2) The Negro cannot complain nor can the whites complain because current legislation have different requirements to register to vote from former statutes regulating such rights. Both races could have secured the so-called "preferential" treatment if interest had been shown in the fundamental rights of voting which are a necessary ingredi-

ent to good government. Indifference and apathy are not an excuse for now contending that statutes are unconstitutional.

(3) Plaintiff incorrectly concludes that the examination is hypertechnical and unreasonable and also misconstrues the relationship of the right to vote with government, the latter being for the sole determination of the State.

(4) No unlimited discretion is granted this defendant as Registrar of voters of Pike County, Mississippi as evidenced by the fact that any complaining applicant may appeal from the decision of this defendant.

(5) It is not unreasonable and arbitrary for the application to require the signature of an applicant. Most applications for every purpose in life require a signature and the requirement of a signature on a registration application is no more a device to trap applicants than the requirement on all other applications required by white and Negroes in almost every area of life.

(6) This defendant is a Registrar of voters and not a teacher for prospective applicants to register and it would be a burden on his office to require a [fol. 559] conference with every applicant concerning the reason or reasons for the disqualification.

(b) House Bills 822 and 904:

(1) No harassment of Negroes has occurred in the registration of voters in Pike County, Mississippi, because of the publication of the names of applicants and the challenging of any applicant on his or her qualifications to become a qualified elector and, assuming that such challenges are made, ample power and authority is granted the applicant, white and Negro, "to have his day in Court".

(2) The assumption of the payment of cost is no different than as is applied to other administrative

and court proceedings and such imposition is not onerous, arbitrary and unreasonable. An applicant entitled to register cannot be charged with any cost.

(3) All of the statutes determine the qualifications of prospective registrants and no challenge can go outside the regulations provided for by said statutes, which statutes become the "objective standards" complained of by plaintiff.

(4) Again this defendant reiterates that the qualifications for registering to vote, now and in the past, have applied to whites and Negroes alike and no Negro citizen or white citizen can now complain that he or she failed to exercise his or her rights to register when former statutes governing such rights were in force and effect. Also, this defendant restates that registration in Mississippi is not permanent as heretofore stated by plaintiff.

(5) This defendant, like any other officer or judge, cannot unduly take any matter under advisement for an unreasonable period of time. The statutes give every applicant recourse if the final determination is unduly withheld by this defendant and other registrars.

(6) It is a legitimate state interest to upgrade the electorate by the adoption and enforcement of fair, reasonable and impartial regulations determining the right to register to become a qualified elector.

(7) Plaintiff erroneously concludes that the statutes give the white community of Mississippi preferential treatment as regarding the qualifications to vote and is in error to state that this defendant or any one acting under his authority has harassed or intimidated Negro applicants for registration as this defendant has pursued the registration of voters without discrimination as regarding color, race or previous condition of servitude.

68. This defendant denies the allegations of paragraph 68 and refers to the statements contained in the immediate preceding paragraphs as explanations as the reasons for this denial.

69. This defendant admits that he and other registrars are required to apply the requirements of the statutes of this state but denies that such statutes regulating the right to become a qualified elector are onerous or that their existence and enforcement and threat of enforcement have deterred or are deterring or will continue to deter otherwise qualified Negroes applying to register to vote. This defendant is not an agent of the State of Mississippi and the application of the statutes which plaintiff contend are unconstitutional have not been applied by this defendant for the purpose of depriving Negroes of their right to register to vote and the adoption of the same and the use and threat of the same have not been pursuant to a pattern and practice of racial discrimination.

70. It is admitted by this defendant that he and his deputy will continue to enforce the registration laws of the State of Mississippi, but this defendant specifically denies that the enforcement of the same by this defendant has been for the purpose of depriving otherwise qualified Negro citizens of [fol. 561] their right to register to vote without distinction of race or color.

This defendant denies that the plaintiff is entitled to any relief as prayed for in the Complaint and respectfully submits that the Complaint should be dismissed against this defendant and the plaintiff be assessed with all costs as accrued in this behalf expended.

W. R. Holmes, Registrar of Pike County, Mississippi, One of the Defendants.

B. D. Statham, 110 North Cherry Street, Magnolia, Mississippi.

[fols. 562-563] Certificate of service omitted in printing

[fol. 564] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

Civil Action No. 3312

[Title omitted]

INTERROGATORIES OF THE DEFENDANT, STATE OF MISSISSIPPI—
Filed May 17, 1963

To: The United States of America, Plaintiff.

Honorable Robert E. Hauberg,
United States Attorney,
Federal Building,
Jackson, Mississippi.

The Defendant, The State of Mississippi, propounds the following Interrogatories to Plaintiff, The United States of America, pursuant to Rule 33 of the Federal Rules of Civil Procedure:

1. What is the entire factual basis for the assertion contained in Paragraph 15 of the Complaint that at the time of [fol. 565] the adoption of the Mississippi Constitution of 1890 there were substantially more negro citizens than white citizens who possessed voter qualifications in Mississippi.

2. (a) On what specific facts do you base the assertion contained in Paragraph 16 of the Complaint that one of the chief purposes of the Mississippi Constitution of 1890 was to restrict the negro franchise and/or to establish and perpetuate white political supremacy and racial segregation in Mississippi.

(b) State the name and official capacity, if any, of each person who you claim was motivated by this purpose and the specific manner or means by which such purpose was executed or put into effect.

3. Define with clarity and specificity your meaning or meanings of the phrase "white political supremacy" as used in Paragraphs number 16, 19, 21, 42 (c) and 53 (b) of the Complaint.

4. (a) State with particularity the full factual basis for the assertion contained in Paragraph 17 of the Complaint, that Section 244 of the Mississippi Constitution of 1890 was designed to accomplish the purpose of restricting the negro franchise and establishing and perpetuating white political supremacy and racial segregation in Mississippi.

(b) State the name and official capacity, if any, of each person you claim designed Section 244 of the Mississippi Constitution of 1890 to accomplish the purpose of restricting the negro franchise and establishing and perpetuating white political supremacy and racial segregation in Mississippi. [fol. 566]

(c) State with specificity the particular means or manner, by which this design was accomplished or put into effect.

5. (a) State with particularity every fact known to you which supports the assertion contained in Paragraph 19 of the Complaint that since the adoption of the Mississippi Constitution of 1890 the State of Mississippi by law, practice, custom, and usage has maintained and promoted white political supremacy and a racially segregated society.

(b) State the name and official capacity, if any, of each person who you claim has aided, abetted and furthered the maintenance and promotion of white political supremacy, and state the specific manner or means whereby such aid was effected.

(c) State the name and official capacity, if any, of each person who you claim has aided, abetted and furthered a racially segregated society in Mississippi, and the specific manner or means by which such aid was effected.

(d) By what acts or actions is this Defendant, the State of Mississippi, as distinguished from any other Defendants, alleged to be maintaining and/or promoting white political supremacy and a racially segregated society in Mississippi?

6. State with particularity the entire factual basis for the assertion contained in Paragraph 20 of the Complaint that by 1899, approximately 122,000 or 82% of the white males of voting age and 18,000 or 9% of the negro males of voting [fol. 567] age were registered to vote in Mississippi,

and that since 1899, a substantial majority of white persons, reaching voting age in Mississippi have become registered voters, and that the percentage of negroes registered to vote has declined.

7. (a) State with specificity and particularity the entire factual basis for the assertion and allegations made in Paragraph 21 of the Complaint.

(b) State any other methods, if any, by which you claim white political supremacy in Mississippi was maintained and promoted other than those embraced in subparagraphs (a), (b), and (c) of Paragraph 21.

(c) State the name and address of each negro who you claim was not allowed to register to vote as charged by subparagraph (a), of said Paragraph 21.

(d) State the name and address and official capacity, if any, of each person who you claim refused to allow each of said negroes to register to vote.

(d) State the factual circumstances surrounding each alleged instance of such alleged refusal to allow said negroes to register, including but not limited to the specific methods or means allegedly employed to deny or refuse said negroes the right to register.

(f) State the name and address of each literate negro who you claim was required to interpret sections of the Mississippi Constitution as charged by subparagraph (b) of Paragraph 21 of the Complaint.

(g) State the name and address and official capacity, if any, of each person who you claim compelled each literate negro to interpret sections of the Mississippi Constitution.

(h) State the name and address of each negro who you claim was excluded from Democratic primary elections as charged in subparagraph (c) of Paragraph 21 of the Complaint.

(i) State the name and address and official capacity, if any, of each person who excluded each negro from said Democratic primary elections.

(j) State with particularity and specificity the factual circumstances surrounding each alleged incident of negroes being excluded from said primary elections, including the specific manner or means by which said exclusion occurred.

(k) Describe with particularity each alleged instance of this Defendant, the State of Mississippi, as distinguished from any and all other Defendants, performing or committing any of the acts or practices charged in subparagraphs (a); (b) or (c) of Paragraph 21 of the Complaint.

8. State with particularity the factual basis of the assertion contained in Paragraph 23 of the Complaint that by 1951, a much higher percentage of the negroes of voting age in Mississippi were literate than in 1890.

9. State with particularity the factual basis for the assertion contained in Paragraph 26 of the Complaint that in 1954, at least 45,000 or 63% of the white persons of voting age in Mississippi were registered to vote and that in that same year approximately 22,000 or 5% of the negroes of voting age in Mississippi were registered to vote.

[fol. 569] 10. (a) State the entire factual basis known to you for the assertion contained in Paragraph 27 of the Complaint that the proposed Amendment to Section 244 of the Mississippi Constitution of 1890 was designed to perpetuate in Mississippi "white political supremacy," a racially segregated society, and the disfranchisement of negroes.

(b) State the name and address and official capacity, if any, of each person who you claim designed the proposed Amendment to Section 244 for the purpose of perpetuating in Mississippi "white political supremacy," a racially segregated society, and the disfranchisement of negroes.

(c) State with particularity the specific manner or means by which such design was executed or put into effect.

(d) State the name and address of each person you plan to call as a witness or otherwise use on the trial of this cause, to prove the allegations of Paragraph 27 of the Complaint.

(e) Describe each specific document which you intend to use to prove the allegations of said Paragraph 27.

11. (a) State the entire factual basis for the assertion contained in Paragraph 31 of the Complaint that public education facilities provided for negroes in Mississippi were and are inferior to those provided for white persons.

(b) State the name and address of each person you intend to call as a witness or otherwise use at

the trial of this cause to show that said public education facilities provided for negroes in Mississippi were and are inferior to those provided for white persons.

(c) State the specific documents, if any, you plan to use to prove this allegation.

12. (a) What do you intend to assert by the allegations of Paragraph 35 of the Complaint to charge that the effect of the Amendment to Section 244 of the Mississippi Constitution as to the comparative effect of such requirements for registration on negro citizens of voting age in Mississippi and white citizens of voting age?

(b) State every fact which you rely on to support such assertion, and the name and address of each person you intend to call as a witness or otherwise use on the hearing of this cause to prove such assertion.

13. (a) State the entire factual basis for the assertion contained in Paragraph 37 of the Complaint that in 1960 approximately 500,000 or 67% of the white persons of voting age in Mississippi, and approximately 20,000 to 25,000, or 5% of the negroes of voting age were registered to vote.

(b) Describe with specificity and by individual designation any documents, you plan to use on the trial of this cause to prove this allegation.

14. (a) State the factual basis for the assertion contained in Paragraph 41 of the Complaint as amended that this Defendant and its alleged agents and officials have used, are using, and will continue to use the interpretation [fol. 571] test and the duties and obligations test to deprive otherwise qualified negro citizens of the right to register to vote without distinction of race or color, and such deprivations, occurring by the adoption, use and threat of use of said tests, have been and are pursuant to a pattern and practice of racial discrimination.

(b) State individually, not collectively, the name, address, and official capacity of each of the alleged agents and officials of this Defendant who have committed the acts charged by the above cited portion of Paragraph 41 of the Complaint.

(c) State with particularity the factual circumstances surrounding each alleged instance of this Defendant or its

alleged agents and officials using the interpretation test and/or the duties and obligations test to deprive otherwise qualified negro citizens of the right to register to vote, without distinction or discrimination because of race or color.

(d) State the name, address, and literacy level of each "otherwise qualified negro citizen" of the State of Mississippi, individually, not collectively, by County, against whom you charge this Defendant has committed all or any of the above mentioned deprivations.

(e) State the factual basis for the assertion contained in Paragraph 41 as amended of the Complaint that the above mentioned alleged deprivations have been and/or are pursuant to a pattern and practice of racial discrimination.

(f) State with particularity each and every instance of deprivations allegedly committed by this Defendant relied [fol. 572] upon by you in charging this Defendant with a "pattern and practice of racial discriminations," including the name, address and literacy level of each negro citizen of the State of Mississippi against whom you charge this Defendant has committed the above mentioned deprivations pursuant to a pattern and practice of racial discrimination.

(g) State the County within which each said instance of racial discrimination pursuant to a pattern or practice committed by this Defendant occurred; the name or names of the person or persons who allegedly effected or caused such deprivations, the precise nature of the deprivations, and the name and address of any other persons known to you to have been present on such occasions.

(h) State with particularity the factual basis for the assertion contained in Paragraph 41 of the Complaint as amended that the existence of the interpretation test and the duties and obligations test as voter qualifications in Mississippi, their enforcement, and the threat of their enforcement, have deterred, are deterring and/or will continue to deter otherwise qualified negroes in Mississippi from applying for registration to vote.

(i) State with factual particularity each alleged instance of otherwise qualified negroes in the State of Mississippi having been deterred from applying for registration to vote by the existence of the interpretation test.

(j) State the name, address, age, literacy level, and length of residence within the County and State, of each negro citizen of the State of Mississippi who you claim has [fol. 573] been so deterred by the existence of the interpretation test, and also state the date and place where each said act of determent occurred.

(k) State with factual particularity each alleged instance of otherwise qualified negroes in the State of Mississippi having been deterred from applying for registration to vote by the existence of the duties and obligations test.

(l) State the name, address, age, literacy level, and length of residence within the County and State, of each negro citizen of the State of Mississippi who you claim has been so deterred by the existence of the duties and obligations test, and state the County within which each said act of determent occurred.

15. State every known factual basis for the assertion contained in Paragraph 50 of the Complaint that the purpose and the effect of the good moral character requirement were and/or are to subject the vast majority of negro citizens of voting age in Mississippi to this requirement when they attempt to become registered voters and to exempt the majority of the white citizens of voting age in Mississippi from this requirement and to provide an additional device with which registrars could discriminate against negro citizens who seek to register to vote—a means of discrimination which would make detection more difficult, including but not limited to the following:

(a) Every known factual basis for the assertion that the purpose of H. B. 899, Reg. Sess. 1962 was to achieve the [fol. 574] was to achieve the ends set out in subparagraphs (a) and (b) of Paragraph 50.

(b) The name and address of each person, who you intend to call as a witness or otherwise use at the hearing of this cause to prove that such was the purpose of Section 241-A.

(c) Every known factual basis for the assertion that the purpose of H. B. 899, Reg. Sess. 1962 was to achieve the ends out in subparagraphs (a) and (b) of Paragraph 50.

(d) The name and address of each person who you intend to call as a witness or otherwise use at the hearing of this cause to prove that such was the purpose of H. B. 899.

(e) Every known factual basis for the assertion that the purpose of H. B. 905, Reg. Sess. 1962 was to achieve the ends set out in subparagraphs (a) and (b) of Paragraph 50.

(f) The name and address of each person who you intend to call as a witness or otherwise use at the hearing of this cause to prove that such was the purpose of H. B. 905.

(g) Every known factual basis for the assertion that the purpose of H. B. 822, Reg. Sess. 1962 was to achieve the ends set out in subparagraphs (a) and (b) of Paragraph 50.

(h) The name and address of each person who you intend to call as a witness or otherwise use at the hearing of this cause to prove that such was the purpose of H. B. 822.

[fol. 575] (i) Factual basis for the assertion that the purpose of H. B. 904, Reg. Sess. 1962 was to achieve the ends set out in subparagraphs (a) and (b) of Paragraph 50.

(j) The name and address of each person who you intend to call as a witness or otherwise use at the hearing of this cause to prove that such was the purpose of H. B. 904.

¶16. (a1) State with particularity the factual basis for the assertion made in Paragraph 52 of the Complaint as amended that the existence of the good moral character qualification in Mississippi, its enforcement and/or the threat of its enforcement, have deterred qualified negro citizens in Mississippi from applying to register to vote.

(a2) State the name, address, age, literacy level and length of residence within the County and State, of each negro citizen of the State of Mississippi who you claim has been so deterred by the existence, enforcement or threat of enforcement, of the good moral character qualification.

(a3) State the name, address, age, literacy level and length of residence within the County and State, of each negro citizen of the State of Mississippi who you claim is being deterred by the existence, enforcement or threat of enforcement, of the good moral character qualification.

(b1) State the factual basis for the assertion made in Paragraph 52 of the Complaint as amended that the threatened use and the use by the Defendant registrars of voters, [fol. 576] and this Defendant and its agents and officials, of the character requirement, deprive and/or will deprive

otherwise qualified negro citizens of the right to register to vote without distinction of race or color, and/or that such deprivations, occurring by the adoption, use and/or threat of use, of the character requirement, have been, and are pursuant to a pattern and practice of racial discrimination.

(b2) State each individual act which constitutes "a pattern and practice of racial discrimination" with which you seek to charge this Defendant as alleged in Paragraph 52 of the Complaint as amended.

(b3) State the name, address, age, literacy level, and length of residence in the State and County of each negro, individually, otherwise qualified to register to vote who you claim has been deprived of the right to register to vote by this Defendant, or its alleged agent or officials, by the use and/or threatened use of the character requirement.

(b4) State the name or names of the person or persons who allegedly effected or committed such deprivations, the precise nature of the deprivations and the name and address of any other person known to you to have been present on such occasions.

(b5) State the name and address of each of the alleged agents and officials of this Defendant who allegedly committed such deprivations pursuant to a pattern and practice of racial discrimination.

[fol. 577] (b6) State the name and address of each of the otherwise qualified negro citizens against whom said deprivations were committed, the date of said alleged deprivations, the nature of the deprivations in each case, and all other pertinent information necessary to enable Defendant to make a thorough investigation regarding each alleged instance of said deprivations.

(b7) State the name, and address, by County, of each negro citizen of the State of Mississippi as to whom you claim the good moral character requirement has been improperly or discriminatorily applied and the name of each person so applying said requirement to each of said negro citizens, and the date and circumstances of each such application of said good moral character requirement to each of said negro citizens of the State of Mississippi.

17. (a) State the factual basis for the assertion contained in Paragraph 59 of the Complaint as amended that the pur-

pose and/or effect of section 3209.6, as amended, of the Mississippi Code, was to frustrate federal protection in Mississippi of the right of citizens to vote without distinction or discrimination on account of race, and/or to facilitate discrimination by County Registrars against negroes seeking to register to vote.

(b) State the name, address, and official capacity, if any, of each individual person you claim was motivated, in enacting the above mentioned legislation, by a purpose to frustrate federal protection in Mississippi of the right [fol. 578] of citizens to vote without distinction or discrimination based solely on race, and/or to facilitate discrimination by County Registrars against negroes seeking to vote, and state with particularity the specific manner or means by which such purpose was put into effect.

(c) State the name and address of each person you plan to call as a witness or otherwise use on the trial of this cause to prove the above mentioned allegations of Paragraph 59, as amended, of the Complaint.

(d) Describe the specific documents which you intend to use to prove the allegations of said Paragraph 59.

(e) State with particularity the full factual basis for the assertion contained in Paragraph 59 of the Complaint, as amended, that the above mentioned statute is an integral part of any pattern and/or practice of racial discrimination of the Defendant as alleged in the Complaint.

(f) State the name and address of each person you plan to call as a witness or otherwise use on the trial of this cause, if any, to prove the allegations of Paragraph 59 of the Complaint, as amended, referred to in subparagraph (e) above.

(g) Describe the specific documents, if any, which you intend to use to prove the above mentioned allegations of said Paragraph 59.

18. State all facts upon which you will rely to prove the assertion contained in Paragraph 66 of the Complaint that the purpose and effect of each of the following Acts of the Legislature of Mississippi or any one or combination of them is to deter, hinder, prevent, delay and harass negroes and/or to make it more difficult for negroes in their efforts to become registered voters, to fa-

cilitate discrimination against negroes, and/or to make it more difficult for the United States to protect the right of all its citizens to vote without distinction or discrimination based on race or color:

H. B. 900, Reg. Sess., 1962

H. B. 901, Reg. Sess., 1962

H. B. 900 Reg. Sess., 1962

H. B. 905, Reg. Sess., 1962

H. B. 822, Reg. Sess., 1962

H. B. 904, Reg. Sess., 1962

H. B. 903, Reg. Sess., 1962

Including but not limited to the following specific information:

(a) The full factual basis for your assertion that the purpose of each of these Acts is to accomplish the ends of above stated, State the name, address, and official capacity of each person known to you to have been motivated, in the enactment of each of these Acts of the Legislature, by said purpose.

(b) The specific manner or means by which said purpose was executed or put into effect.

(c) The name and address of each person you plan to call as a witness or otherwise use on the trial of this cause to prove the above mentioned allegations of Paragraph 66 of the Complaint.

(d) Describe the specific documents, which you intend to use to prove the allegations of said Paragraph 66.

[fol. 580] (e) The name, address, age, literacy level, and length of residence in the County and State of each negro citizen of the State of Mississippi, individually, by County, who has been deterred from registering to vote because of the existence or operation of said H. B. 900, Reg. Sess., 1962.

(f) The name, address, age, literacy level, and length of residence in the County and State of each negro citizen of the State of Mississippi, individually, by County, who was hindered from registering to vote because of the existence or operation of said H. B. 900, Reg. Sess., 1962.

(g) The name, address, age, literacy level, and length of residence in the County and State of each negro citizen

of the State of Mississippi, individually, by County, who was prevented from registering to vote because of the existence or operation of said H. B. 900, Reg. Sess., 1962.

(h) The name, address, age, literacy level, and length of residence in the County and State of each negro citizen of the State of Mississippi, individually, by County, who was delayed in registering to vote because of the existence or operation of Said H. B. 900, Reg. Sess., 1962.

(i) The name, address, age, literacy level, and length of residence in the County and State of each negro citizen of the State of Mississippi, individually, by County, who was harassed in connection with registering to vote because of the existence or operation of said H. B. 900, Reg. Sess., 1962.

[fol. 581] (j) The name, address, age, literacy level, and length of residence in the County and State of each negro citizen of the State of Mississippi, individually, by County, for whom it was made more difficult in his or her efforts to become a registered voter because of the existence or operation of said H. B. 900, Reg. Sess., 1962.

(k) The name, address, age, literacy level, and length of residence in the County and State of each negro citizen of the State of Mississippi, individually, by County, who has been deterred from registering to vote because of the existence or operation of said H. B. 901, Reg. Sess., 1962.

(l) The name, address, age, literacy level, and length of residence in the County and State of each negro citizen of the State of Mississippi, individually, by County, who was hindered from registering to vote because of the existence or operation of said H. B. 901, Reg. Sess., 1962.

(m) The name, address, age, literacy level, and length of residence in the County and State of each negro citizen of the State of Mississippi, individually, by County, who was prevented from registering to vote because of the existence or operation of said H. B. 901, Reg. Sess., 1962.

(n) The name, address, age, literacy level, and length of residence in the County and State of each negro citizen of the State of Mississippi, individually, by County, who was delayed in registering to vote because of the existence or operation of said H. B. 901, Reg. Sess., 1962.

[fol. 582] (o) The name, address, age, literacy level, and length of residence in the County and State of each ne-

gro citizen of the State of Mississippi, individually, by County, who was harassed in connection with registering to vote because of the existence or operation of said H. B. 901, Reg. Sess., 1962.

(p) The name, address, age, literacy level, and length of residence in the County and State of each negro citizen of the State of Mississippi, individually, by County, for whom it was made more difficult in his or her efforts to become a registered voter because of the existence or operation of said H. B. 901, Reg. Sess., 1962.

(q) The name, address, age, literacy level, and length of residence in the County and State of each negro citizen of the State of Mississippi, individually, by County, who has been deterred from registering to vote because of the existence or operation of said H. B. 905, Reg. Sess., 1962.

(r) The name, address, age, literacy level, and length of residence in the County and State of each negro citizen of the State of Mississippi, individually, by County, who was hindered from registering to vote because of the existence or operation of said H. B. 905, Reg. Sess., 1962.

(s) The name, address, age, literacy level, and length of residence in the County and State of each negro citizen of the State of Mississippi, individually, by County, who [fol. 583] was prevented from registering to vote because of the existence or operation of said H. B. 905, Reg. Sess., 1962.

(t) The name, address, age, literacy level, and length of residence in the County and State of each negro citizen of the State of Mississippi, individually, by County, who was delayed from registering to vote because of the existence or operation of said H. B. 905, Reg. Sess., 1962.

(u) The name, address, age, literacy level, and length of residence in the County and State of each negro citizen of the State of Mississippi, individually, by County, who was harassed in connection with registering to vote because of the existence or operation of said H. B. 905, Reg. Sess., 1962.

(v) The name, address, age, literacy level, and length of residence in the County and State of each negro citizen of the State of Mississippi, individually, by County, for whom it was made more difficult in his or her efforts to become a registered voter because of the existence or operation of said H. B. 905, Reg. Sess., 1962.

(w) The name, address, age, literacy level, and length of residence in the County and State of each negro citizen of the State of Mississippi, individually, by County, who has been deterred from registering to vote because of the existence or operation of said H. B. 822, Reg. Sess., 1962.

(x) The name, address, age, literacy level, and length of residence in the County and State of each negro citizen of the State of Mississippi, individually, by County, who [fol. 584] was hindered from registering to vote because of the existence or operation of said H. B. 822, Reg. Sess., 1962.

(y) The name, address, age, literacy level, and length of residence in the County and State of each negro citizen of the State of Mississippi, individually, by County, who was prevented from registering to vote because of the existence or operation of said H. B. 822, Reg. Sess., 1962.

(z) The name, address, age, literacy level, and length of residence in the County and State of each negro citizen of the State of Mississippi, individually, by County, who was delayed from registering to vote because of the existence or operation of said H. B. 822, Reg. Sess., 1962.

(aa) The name, address, age, literacy level, and length of residence in the County and State of each negro citizen of the State of Mississippi, individually, by County, who was harassed in connection with registering to vote because of the existence or operation of said H. B. 822, Reg. Sess., 1962.

(bb) The name, address, age, literacy level, and length of residence in the County and State of each negro citizen of the State of Mississippi, individually, by County, for whom it was made more difficult in his or her efforts to become a registered voter because of the existence or operation of said H. B. 822, Reg. Sess., 1962.

(cc) The name, address, age, literacy level, and length of residence in the County and State of each negro citizen [fol. 585] of the State of Mississippi, individually, by County, who has been deterred from registering to vote because of the existence or operation of said H. B. 904, Reg. Sess., 1962.

(dd) The name, address, age, literacy level, and length of residence in the County and State of each negro citizen

of the State of Mississippi, individually, by County, who was hindered from registering to vote because of the existence or operation of said H. B. 904, Reg. Sess., 1962.

(ee) The name, address, age, literacy level, and length of residence in the County and State of each negro citizen of the State of Mississippi, individually, by County, who was prevented from registering to vote because of the existence or operation of said H. B. 904, Reg. Sess., 1962.

(ff) The name, address, age, literacy level, and length of residence in the County and State of each negro citizen of the State of Mississippi, individually, by County, who was delayed from registering to vote because of the existence or operation of said H. B. 904, Reg. Sess., 1962.

(gg) The name, address, age, literacy level, and length of residence in the County and State of each negro citizen of the State of Mississippi, individually, by County, who was harassed in connection with registering to vote because of the existence or operation of said H. B. 904, Reg. Sess., 1962.

(hh) The name, address, age, literacy level, and length of residence in the County and State of each negro citizen [fol. 586] of the State of Mississippi, individually, by County, for whom it was made more difficult for in his or her efforts to become a registered voter because of the existence or operation of said H. B. 904, Reg. Sess., 1962.

(ii) The name, address, age, literacy level, and length of residence in the County and State of each negro citizen of the State of Mississippi, individually, by County, who has been deterred from registering to vote because of the existence or operation of said H. B. 904, Reg. Sess., 1962.

(jj) The name, address, age, literacy level, and length of residence in the County and State of each negro citizen of the State of Mississippi, individually, by County, who was hindered from registering to vote because of the existence or operation of said H. B. 903, Reg. Sess., 1962.

(kk) The name, address, age, literacy level, and length of residence in the County and State of each negro citizen of the State of Mississippi, individually, by County, who was prevented from registering to vote because of the existence or operation of said H. B. 903, Reg. Sess., 1962.

(ll) The name, address, age, literacy level, and length of residence in the County and State of each negro citizen

of the State of Mississippi, individually, by County, who was delayed from registering to vote because of the existence or operation of said H. B. 903, Reg. Sess., 1962.

(mm) The name, address, age, literacy level, and length of residence in the County and State of each negro citizen [fol. 587] of the State of Mississippi, individually, by County, who was harassed from registering to vote because of the existence or operation of said H. B. 903, Reg. Sess., 1962.

(nn) The name, address, age, literacy level, and length of residence in the County and State of each negro citizen of the State of Mississippi, individually, by County, for whom it was made more difficult in his or her efforts to become a registered voter because of the existence or operation of said H. B. 903, Reg. Sess., 1962.

(oo) The name and address of each person you plan to call as a witness or otherwise use on the trial of this cause to prove the allegations of Paragraph 66 of the Complaint.

(pp) Describe the specific documents while you intend to use to prove the allegations of said Paragraph 66.

19. a() What facts form the basis for the assertion contained in Paragraph 69 of the Complaint, as amended, that this Defendant, the State of Mississippi, as distinguished from each and all of the other Defendants, has applied the requirements for registration to vote mentioned in Paragraphs 66 and 69 of the Complaint?

(b) What is the entire basis in fact upon which you intend to rely to prove the assertion contained in Paragraph 69 of the Complaint, as amended, that the existence and use of these requirements, the enforcement and the threat of their enforcement have deterred, are deterring and will [fol. 588] continue to deter otherwise qualified negroes in Mississippi from applying to register to vote, and/or deprive and/or will deprive such negroes of the right to register to vote without distinction of race or color, and/or that such deprivations, occurring by the adoption, use and threat of use, of these requirements have been and are pursuant to a pattern and practice of racial discrimination?

(c) State the name, address, age, literacy level, and length of residence in the County and State of each of the otherwise qualified negro citizens of the State of Mississippi, individually, by County, who have been deterred

from applying to register to vote by the existence and use of each of the following Acts of the Legislature of Mississippi:

H. B. 900, Reg. Sess., 1962
 H. B. 901, Reg. Sess., 1962
 H. B. 905, Reg. Sess., 1962
 H. B. 822, Reg. Sess., 1962
 H. B. 904, Reg. Sess., 1962
 H. B. 903, Reg. Sess., 1962

(d) State the name, address, age, literacy level, and length of residence in the County and State of each of the otherwise qualified negro citizens of the State of Mississippi, individually, by County, who is being deterred from applying to register to vote by the existence and use of each of the following Acts of the Legislature of Mississippi:

H. B. 900, Reg. Sess., 1962
 [fol. 589] H. B. 901, Reg. Sess., 1962
 H. B. 905, Reg. Sess., 1962
 H. B. 822, Reg. Sess., 1962
 H. B. 904, Reg. Sess., 1962
 H. B. 903, Reg. Sess., 1962

(e) State the name, address, age, literacy level and length of residence in the County and State of each of the otherwise qualified negro citizens of the State of Mississippi, individually, by County, who is being deprived of the right to register to vote without distinction of race or color because of the use and threat of use of each of the following Acts of the Legislature of Mississippi:

H. B. 900, Reg. Sess., 1962
 H. B. 901, Reg. Sess., 1962
 H. B. 905, Reg. Sess., 1962
 H. B. 822, Reg. Sess., 1962
 H. B. 904, Reg. Sess., 1962
 H. B. 903, Reg. Sess., 1962

(f) State with particularity each of the alleged Acts of discrimination which you claim constitutes "a pattern and practice of racial discrimination" as charged by Paragraph 69 of the Complaint, as amended, and state the

name, address, age, literacy level, and length of residence in the County and State of each of the otherwise qualified negro citizens of the State of Mississippi, individually, by County, against whom you claim such deprivations constituting "a pattern and practice of racial discrimination" has been committed.

[fol. 590] (g) State the name, address, and official capacity, if any of each person who allegedly committed each said individual deprivation which you claim constitutes a "pattern and practice of racial discrimination" as charged by Paragraph 69 of the Complaint, as amended.

20. (a) Do you intend to charge by the Complaint that there are negro citizens of the State of Mississippi who have been deterred, from applying to register to vote because of the treatment accorded some friend or acquaintance of such negro citizens in the effort or efforts of such friend or acquaintance to register to vote?

(b) If your response is in the affirmative, state the name, age, address, literacy level and length of residence in the County and State of each such negro, individually, who was allegedly deterred from applying to register to vote because of some treatment accorded a friend or acquaintance.

(c) State the name, age, address, literacy level and length of residence in the County and State of each such friend or acquaintance whose experiences while attempting to register to vote deterred each of said negro citizens of the State of Mississippi, respectively, and the name, address, and official capacity, if any, of each person who accorded such treatment to said friend or acquaintance of said negro citizens.

21. State the name and address of each person you intend to call as a witness at the hearing or trial of this cause, and state what you intend to prove by each such witness, [fol. 591] except to the extent that this information may have been previously elicited by the foregoing interrogatories.

22. State the name and address of each and every agent of the Federal Bureau of Investigation and each and every other agent, attorney or employee, of the Plaintiff, the United States of America, who has interviewed any person

with reference to this cause, or who has taken, or who is in possession of, any memoranda, or any statement, whether written or otherwise, made by any person with reference to, or having any connection with, this cause. Also, state the name and address of the custodian, of each of said reports of interview, memoranda, or any other statements, whether written or otherwise, made with reference to this cause.

23. State the name, age, race and address of each and every person who has been interviewed by any agent of the Federal Bureau of Investigation or any other agent, attorney, or employee of the Plaintiff, the United States of America, relative to this cause.

24. State the name, race and address of each and every person who has given or furnished any statement or statements, written or oral, signed or unsigned, to any agent, attorney, or employee of Plaintiff, the United States of America, relative to or having any connection with this cause. In answering this interrogatory, state which of these persons, if any, gave written statements; which of these persons, if any, gave oral statements; and state which of these persons, if any, who gave written statements signed such statements.

[fols. 592-593] 25. Are you willing to treat these interrogatories as continuing interrogatories, and to make further answer to each of them within fifteen days after you receive any additional information requested by the foregoing interrogatories?

The State of Mississippi, By: Joe T. Patterson, Attorney General of the State of Mississippi. Will S. Wells, Dugas Shands, Guy N. Rogers and William A. Allain, Assistant Attorneys General of the State of Mississippi. Peter M. Stockett, Jr., Darryl A. Hurt and Charles Clark, Special Assistant Attorneys General of the State of Mississippi New State Capitol Jackson, Mississippi. By: Charles Clark.

Certificate of service [omitted in printing.]

[fol. 594] [File Endorsement Omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

Civil Action No. 3312

[Title Omitted]

NOTICE OF AND MOTION FOR ENLARGEMENT OF TIME WITHIN
WHICH TO FILE ANSWERS TO INTERROGATORIES, TIME HAV-
ING EXPIRED—Filed June 4, 1963.

To Honorable Charles Clark, Attorney of Record for the
Defendant State of Mississippi;

Please take notice that the plaintiff will move the District Court for the Southern District of Mississippi at 9:00 o'clock A.M., June 10, 1963, or as soon thereafter as counsel can be heard, at the Court Room, Federal Court House, in Jackson, Mississippi, for an order enlarging the time within which to file answers to a list of twenty five (25) interrogatories propounded by the defendant State of Mississippi, time having expired.

The defendant State of Mississippi filed on May 17, 1963 voluminous and comprehensive interrogatories seeking to determine the factual basis for the allegations in plaintiff's complaint. These interrogatories were personally served on the United States Attorney in Jackson, Mississippi on May 17, 1963. A copy was received by the Department of Justice in Washington, D. C. on May 20, 1963 and by the Civil Rights Division which is responsible for the preparation of answers to such interrogatories on May 22, 1963. Answering these interrogatories involve setting out in great detail the preparation of plaintiff's case, including the preparation and analysis of hundreds of registration records. Such preparation for plaintiff's case and the preparation for answers to the defendant's interrogatories [fols. 595-598] is in progress but cannot be completed for thirty (30) days. Plaintiff therefore moves the Court

for an extension of time to answer the interrogatories to and including July 5, 1963.

Robert E. Hauberg United States Attorney D.
Robert Owen, Attorney By R.I.H. Department of
Justice.

Certificate of Service [omitted in printing]

[fol. 599] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI SOUTHERN DIVISION

✓
Civil Action No. 3,312

[Title omitted]

INTERROGATORIES OF J. W. SMITH—Filed June 7, 1963

To: The United States of America, Plaintiff.
Honorable Robert E. Hauberg,
United States Attorney,
Federal Building,
Jackson, Mississippi.

The defendant, J. W. Smith, Circuit Court Clerk and Registrar of Coahoma County, Mississippi, requests the above named plaintiff, the United States of America, by an officer or agent thereof, to answer under oath, in accordance with Rule 33 of the Federal Rules of Civil Procedure, the following interrogatories:

(1) State the factual basis for the assertion contained in Paragraph 12 of the Complaint concerning voting age population of Negro and white persons, and the approximate voter registration of each in Coahoma County, Mississippi. In answer to this interrogatory please state with particularity that upon which this assertion is based.

(2) State with particularity the entire factual basis for

[fol. 600] the assertion and allegations made in Paragraph 21 of the Complaint insofar as the same pertain to the defendant, J. W. Smith, Registrar of Coahoma County, Mississippi.

(b) State the name and address of each negro of Coahoma County, Mississippi, who you claim was not allowed to register to vote as charged by sub-paragraph (a) of said Paragraph 21.

(c) State the name and address and official capacity, if any, of each person who you claim refused to allow each of said negroes to register to vote.

(d) State the factual circumstances surrounding each alleged instance of such alleged refusal to allow said negroes to register in Coahoma County, Mississippi, including but not limited to the specific methods or means allegedly employed to deny or refuse said negroes the right to register.

(e) State the name and address of each literate negro in Coahoma County, Mississippi, who you claim was required to interpret sections of the Mississippi Constitution as charged by sub-paragraph (b) of Paragraph 21 of the Complaint.

(f) State the name and address and official capacity, if any, of each person who you claim compelled each literate negro to interpret sections of the Mississippi Constitution.

(g) State the name and address of of each negro of Coahoma County, Mississippi, who you claim was excluded from Democratic Primary elections as charged in sub-paragraph (c) of Paragraph 21 of the Complaint.

(h) State the name, address and official capacity, if any, [fol. 601] of each person who excluded each negro from said Democratic Primary elections in Coahoma County, Mississippi.

(i) State with particularity and specificity the factual circumstances surrounding each alleged incident of negroes being excluded from said primary elections in Coahoma County, Mississippi, including the specific manner or means by which said exclusion occurred.

(j) State with particularity each alleged instance of the defendant J. W. Smith, as distinguished from any and all other defendants, performing or committing any of the acts or practices charged in sub-paragraph (a), (b) and (c) of Paragraph 21 of the Complaint.

(3) (a) State the factual basis for the assertion contained in Paragraph 41 of the Complaint as amended that this Defendant is using, and will continue to use the interpretation test and the duties and obligations test to deprive otherwise qualified negro citizens of the right to register to vote without distinction of race, or color, and such deprivations, occurring by the adoption, use and threat of use of said tests, have been and are pursuant to a pattern and practice of racial discrimination.

(b) State with particularity the factual circumstances surrounding each alleged instance of this Defendant using the interpretation test and/or the duties and obligations test to deprive otherwise qualified negro citizens of the right to register to vote without distinction or discrimination because of race or color.

(c) State the name, address, and literacy level of each "otherwise qualified negro citizen" of Coahoma County, Mississippi, individually, not collectively, against whom you charge this Defendant has committed all or any of [fol. 602] the above mentioned deprivations.

(d) State the factual basis for the assertion contained in Paragraph 41 as amended of the Complaint that the above mentioned alleged deprivations have been and/or are pursuant to a pattern and practice of racial discrimination.

(e) State with particularity each and every instance of deprivations allegedly committed by this Defendant relied upon by you in charging this Defendant with a "pattern and practice of racial discriminations," including the name, address and literacy level of each negro citizen of Coahoma County, Mississippi, against whom you charge this Defendant has committed the above mentioned deprivations pursuant to a pattern and practice of racial discrimination.

(f) State the place where each instance of racial discrimination pursuant to a pattern and practice committed by this Defendant occurred; the name or names of the person or persons who allegedly effected or caused such deprivations, the precise nature of the deprivations, and the name and address of any other persons known to you to have been present on such occasions.

(g) State with particularity the factual basis for the assertion contained in Paragraph 41 of the Complaint as amended that the existence of the interpretation test and

the duties and obligations test as voter qualifications in Mississippi, their enforcement, and the threat of their enforcement, have deterred, are deterring and/or will continue to deter otherwise qualified negroes in Coahoma County, Mississippi, from applying for registration to vote.

(h) State with factual particularity each alleged instance of otherwise qualified negroes in Coahoma County, Mississippi, having been deterred from applying for registration [fol. 603] to vote by the existence of the interpretation test.

(i) State the name, address, age, literacy level, and length of residence within Coahoma County, Mississippi, of each Negro citizen who you claim has been so deterred by the existence of the interpretation test, and also state the date and place where each said act of determent occurred.

(j) State with factual particularity each alleged instance of otherwise qualified negroes in Coahoma County, Mississippi, having been deterred from applying for registration to vote by the existence of the duties and obligations test.

(k) State the name, address, age, literacy level, and length of residence within Coahoma County, Mississippi, of each negro citizen of Coahoma County, Mississippi, who you claim has been so deterred by the existence of the duties and obligations test.

(4) (a1) State with particularity the factual basis for the assertion made in Paragraph 52 of the Complaint as amended that the existence of the good moral character qualification in Mississippi, its enforcement and/or the threat of its enforcement, have deterred qualified negro citizens in Coahoma County, Mississippi, from applying to register to vote.

(a2) State the name, address, age, literacy level and length of residence within Coahoma County, Mississippi, of each negro citizen within said County who you claim has been so deterred by the existence, enforcement of threat of enforcement, of the good moral character qualification.

(a3) State the name, address, age, literacy level and length of residence within Coahoma County, Mississippi, of [fol. 604] each negro citizen of said County who you claim is being deterred by the existence, enforcement or threat of enforcement, of the good moral character qualification.

(b1) State the factual basis for the assertion made in

Paragraph 52 of the Complaint as amended that the threatened use and use by this Defendant of the character requirement, deprive and/or will deprive otherwise qualified Negro citizens of the right to register to vote without distinction of race or color, and/or that such deprivations, occurring by the adoption, use and/or threat of use, of the character requirement, have been and are pursuant to a pattern and practice of racial discrimination.

(b2) State each individual act which constitutes "a pattern and practice of racial discrimination" with which you seek to charge this Defendant as alleged in Paragraph 52 of the Complaint as amended.

(b3) State the name, address, age, literacy level, and length of residence in Coahoma County, Mississippi, of each negro, individually, otherwise qualified to register to vote who you claim has been deprived of the right to register to vote by this Defendant by the use and/or threatened use of the character requirement.

(b4) State the name or names of the person or persons who allegedly effected or committed such deprivations, the precise nature of the deprivations and the name and address of any other person known to you to have been present on such occasions.

(5) (a) Please state with particularity the factual basis for the assertion contained in paragraph 50 (b) of the complaint that this defendant has used the good moral character requirement as "an additional device with which to discriminate against negro citizens who have sought to register to vote, in Coahoma County, Mississippi,

(b) Please give the name, age, occupation, address, length of residence in Coahoma County, Mississippi, and literacy level of each such Negro citizen alleged to have been discriminated against by this defendant by his use of such alleged device, the good moral character requirement.

(6) (a) State with particularity the factual basis for the assertion contained in Paragraph 60 of the Complaint to the effect that this Defendant or his alleged agents, unless restrained by order of this Court, will continue to destroy voter registration records in violation of the Constitution of the United States and the Civil Rights Act of 1960.

(b) In answer to this interrogatory state the name, age, race, occupation and address of each person, individually, whom you intend to call as a witness to substantiate the allegations contained in Paragraph 60 of the Complaint to the effect that this Defendant or his alleged agents have destroyed or will continue to destroy voter registration records of Coahoma County, Mississippi, in violation of the Constitution of the United States and the Civil Rights Act of 1960, as well as the name, age, race, occupation and address of each and all other persons whom you presently believe or have reason to believe have knowledge of any such destruction or anticipated destruction of said records.

[fol. 606] (c) In answering this interrogatory, state with particularity what voter registration records, if any, under his care, custody and control which this Defendant is alleged to have heretofore destroyed in violation of the Constitution of the United States and the Civil Rights Act of 1960 as alleged in Paragraph 60 of the Complaint, stating specifically the type, style, name or nature of each such record destroyed, and the date, time, place and manner of its destruction, together with the name, age, race, occupation and address of all persons present at the time of such destruction.

(7) (a) State with particularity the factual basis for the assertions contained in Paragraphs 69 and 70 of the Complaint that "otherwise qualified" Negro citizens of the State of Mississippi have been, are now and will in the future be deterred from applying to register to vote, and will be deprived of their right to register to vote without distinction of race or color unless this Defendant and his alleged agents are restrained from enforcing "threatening" to enforce the registration requirements as described in Paragraph 66 of the Complaint, or because of the existence of said requirements.

(b) State the name, age, occupation and address of each "otherwise qualified" Negro citizen of Coahoma County, Mississippi, individually, who have been deterred, are now deterred and will in the future be deterred from applying to register to vote in Coahoma County, Mississippi, because of the existence of the registration requirements described in Paragraph 66 of the Complaint, or because of

the enforcement or "threat" of enforcement of the registration requirements described in Paragraph 66 of the Complaint by this Defendant; also, state separately the name, [fol. 607] occupation and address of each and all other "otherwise qualified" Negro citizens of Coahoma County, Mississippi, individually, not collectively, whom you presently believe or have reason to believe to have been deterred, are now deterred and will in the future be deterred from applying to register to vote in said County because of the existence of the registration requirements described in Paragraph 66 of the Complaint or the enforcement or "threat" of enforcement of the registration requirements described in Paragraph 66 of the complaint by this defendant.

(8) Please state the name, age, occupation, address, and literacy level of each Negro citizen, individually, not collectively, whom you claim has complied with all of the requirements of registering to vote in the State of Mississippi and who has been denied the right to register to vote on account of race or color by this Defendant or his alleged agents.

In answering this interrogatory, please state with particularity the facts surrounding each alleged incident of such denial, including the name, age, occupation, race and address of the person or persons who effected or committed such denial; the date, time, place and location of such denial; the specific nature of the denial, and the name, age, occupation, race and address of any other person or persons present when such denial allegedly occurred.

(9) State the name, age, occupation, address and literacy level of each Negro citizen of Coahoma County, Mississippi, individually, not collectively, whom you claim has been delayed, prevented, hindered, harassed or discouraged [fol. 608] aged from applying to register to vote on account of race or color by this Defendant or his alleged agents.

In answering this interrogatory, state with particularity each and every act or practice allegedly engaged in by this Defendant or his alleged agents, and the facts and circumstances surrounding each alleged incident, including, but not specifically limited to, the name or names of the person

or persons who effected, committed, or participated in such acts and practices; the date, time and place when and where each alleged act or practice was committed, executed or performed; and the name, age, occupation, race, and address of each and every person present when each such alleged act or practice was committed, executed or performed.

(10) (a) Please identify by name, address, race of applicant and serial number of application, if any, all of those written applications for voter registration accepted by defendant J. W. Smith as Registrar of Coahoma County, Mississippi, or his alleged agents, copies of which are in your possession, including those which you intend to use at the trial of this case, which may tend to prove any allegation of the complaint to the effect that this defendant has discriminated in any way for or against any otherwise qualified applicant for voter registration in Coahoma County, Mississippi, on account of his or her race or color.

(b) Please identify by name, address, race of applicant and serial number of application, if any, all of those written applications for voter registration rejected by the defendant J. W. Smith as Registrar of Coahoma County, Mississippi, or his alleged agents, copies of which are in your possession, including those which you intend to use [fol. 609] at the trial of this case, which may tend to prove any allegation of the complaint to the effect that this defendant has discriminated in any way for or against any otherwise qualified applicant for voter registration in Coahoma County, Mississippi, on account of his or her race or color.

(11) Please identify with particularity any entry, error or omission contained or found in any of the records other than voter registration applications, on file in the office of this defendant registrar, copies of which you intend to use in the trial of this case in support of any of the allegations contained in the complaint; also, please identify with particularity any and all other entries, errors or omission found or contained in any of said records which you claim have been improperly made or omitted by this defendant.

(12) State the name and address of each and every agent of the Federal Bureau of Investigation who has inter-

viewed any witnesses or who has taken, or is in possession of, any memoranda or any statements, whether written or otherwise, made by any person with reference to, or having any connection with, the registration of voters in Coahoma County, Mississippi, by this Defendant or his alleged agents.

(13) State the name, age, occupation, race and address of each and every person who has been interviewed by any agent or attorney of Plaintiff relative to the act and practices of this Defendant or his alleged agents in the performance and discharge of his duties as Registrar of Voters of Coahoma County, Mississippi.

[fol. 610] (14) State the name, occupation, race and address of each and every person who has given or furnished any statement or statements, written or oral, signed or unsigned, to any agent or attorney for Plaintiff relative to or having any connection with the acts and practices of this defendant or his alleged agents in the performance and discharge of his duties as Registrar of Voters in Coahoma County, Mississippi. In answer to this interrogatory, state which of these persons, if any, gave written statements; which of these persons, if any, gave oral statements; and state which of these persons, if any, who gave written statements signed such statements.

(15) Give detailed summary of each statement, written or oral, signed or unsigned, given by any person or any agent or attorney of Plaintiff, except any statement given any attorney of record for plaintiff, relative to or having any connection with the acts and practices of this defendant, or his alleged agents, in the performance and discharge of his duties as Registrar of Voters in Coahoma County, Mississippi; such summary to include, but not be specifically limited to: the name, age, occupation, race and address of the person making the statement; the date or dates on which said statement or statements were made; the name of the agent or attorney of Plaintiff who now has possession of such statement or statements, or memoranda evidencing the same.

(16) State the name, age, occupation, race and address of each person not previously listed or named in answering these interrogatories whom you intend to call as a witness against this Defendant on the hearing for Preliminary and

[fols. 611-615] Permanent Injunctions, and state with particularity what you intend to prove by each such witness.

(17) Are you willing to treat these Interrogatories as continuing interrogatories and to make further answer to each statement within fifteen (15) days after you receive any additional information requested by the foregoing interrogatories.

J. W. Smith, Circuit Court Clerk and Registrar of Coahoma County, Mississippi, Defendant. By: Leon L. Porter, Jr., Attorney at Law, Clarksdale, Mississippi. Semmes Luckett, Attorney at Law, Clarksdale, Mississippi. Chester H. Curtis, Attorney at Law, Clarksdale, Mississippi. Joe T. Patterson, Attorney General of the State of Mississippi, Jackson, Mississippi. By /s/ Leon L. Porter, Jr., one of the attorneys of record for defendant.

Certificate of service (omitted in printing.)

[fol. 616] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI JACKSON DIVISION

Civil Action No. 3312

[Title omitted]

ORDER ENLARGING TIME WITHIN WHICH TO FILE ANSWERS
TO INTERROGATORIES—June 10, 1963

The Plaintiff, United States of America, having moved this Court for an enlargement of time—time having expired, to and including July 5, 1963, within which to file answers to interrogatories filed by the defendant State of Mississippi. Counsel having been heard, and it appearing that excusable neglect having been shown in that prepara-

tion of such answers is in progress but can not be completed until July 5, 1963 because of the length and complexity of such interrogatories, it is, therefore,

Ordered, that the Plaintiff, United States of America is hereby granted an enlargement of time within which to file answers to interrogatories propounded by the Defendant State of Mississippi through and including July 5, 1963.

Ordered, this 10th day of June A.D., 1963.

Harold Cox, United States District Judge.

[fol. 617]

[File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI JACKSON DIVISION

Civil Action No. 3312

[Title omitted]

NOTICE OF HEARING AND OBJECTIONS TO A CERTAIN INTER-
ROGATORY PROPOUNDED BY DEFENDANT J. W. SMITH—Filed
June 17, 1963.

T. J. W. Smith and the attorneys of record for defendant
Smith:

Please take notice that on July 12, 1963, at 9:00 A.M. or as soon thereafter as counsel can be heard at the courtroom of the United States District Court, Post Office Building, Jackson, Mississippi, the plaintiff, United States of America, will move the Court for an order limiting the scope of examination of plaintiff by disallowing a certain interrogatory heretofore served and propounded by defendant J. W. Smith.

Plaintiff objects to making a response to Interrogatory No. 15 propounded by J. W. Smith, requesting a detailed summary of each statement, written or oral, signed or unsigned, given by any person or agent or attorney of plaintiff except any statement given any attorney of record for plaintiff, relative to or having any connection with the [fol. 618] acts and practices of this defendant, or his al-

leged agents, in the performance and discharge of his duties as Registrar of Voters in Coahoma County, Mississippi, on the grounds that:

1. The requested information is part of the work product of plaintiff's attorneys;
2. Good cause has not been shown why the requested information should be provided;
3. The preparation of such detailed summaries is burdensome on the plaintiff and is not the proper subject of examination on written interrogatories.

John Doar, D. Robert Owen, Attorneys, Department of Justice.

[fols. 619-620] Certificate of Service omitted in printing.

[fol. 621] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI JACKSON DIVISION

Civil Action No. 3312

[Title omitted]

ORDER EXTENDING TIME WITHIN WHICH TO FILE ANSWERS
TO INTERROGATORIES—June 17, 1963

The United States of America, plaintiff, having requested extension of time within which to answer interrogatories propounded by defendant Smith and it appearing that said defendant has no objection to such extension, it is therefore

Ordered that the time for answering the interrogatories propounded to the plaintiff by defendant Smith is hereby enlarged to and including July 10, 1963.

Done this 17th day of June, 1963.

John Minor Wisdom, Circuit Judge.

[fol. 622] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI JACKSON DIVISION

Civil Action No. 3312

[Title omitted]

INTERROGATORIES OF THE DEFENDANT, MRS. PAULINE EASLEY,
CIRCUIT CLERK AND REGISTRAR OF CLAIBORNE COUNTY—
Filed June 21, 1963

To: The United States of America, Plaintiff.
Honorable Robert E. Hauberg,
United States Attorney,
Federal Building,
Jackson, Mississippi.

The Defendant, Mrs. Pauline Easley, Circuit Clerk and Registrar of Claiborne County, propounds the following Interrogatories to Plaintiff, the United States of America, pursuant to Rule 33 of the Federal Rules of Civil Procedure:

[fol. 623] 1. Please state the name and address of each negro citizen, individually, not collectively, and not by reference to any document, public or otherwise, who you claim has been denied the right to register to vote by this Defendant, or her alleged agents, by the operation of Section 244 of the Mississippi Constitution, prior to its amendment in the year 1955. In answering this interrogatory, please state with particularity the facts surrounding each alleged incident of such denial, including the name or names of the person or persons who effected or committed such denial, the date and location of such denial, the specific nature of the denial, and the names and addresses of any other persons present when such denial allegedly occurred.

2. Please state the name and address of each negro citizen, individually, and not collectively, and not by reference to any document, public or otherwise, who you claim has been denied the right to register to vote by this Defendant, or her alleged agents, by operation of Section 244 of the Mississippi Constitution, as it now exists. In

answering this interrogatory, please state with particularity the facts surrounding each alleged incident of such denial, including the name or names of the person or persons who effected or committed such denial, the date and location of such denial, the specific nature of the denial, and the names and addresses of any other persons present when such denial allegedly occurred.

3. Please state with particularity the factual basis of the allegation in Paragraph No. 41 of the Complaint, that this registrar is using "the interpretation test and the duties and obligations test" to deprive any negro citizen of the [fol. 624] right to register, when they are otherwise qualified. In answering this interrogatory, please state with particularity the facts which would show that the interpretation test or the duties and obligations test were satisfactorily answered by any reasonable standard, and that in their application they were discriminatory.

4. Please state with particularity the factual basis of the allegation in Paragraph No. 41 of the Complaint that the existence of the interpretation test and the duties and obligations test, and their enforcement and threat of enforcement are deterring any negro from applying for registration to vote. In answering this interrogatory, please state with particularity the facts as to whether any such negro who was deterred by these matters was of sufficient intelligence and educational background, that he could pass a reasonable educational requirement test or intelligence test, this not to be by reference to the grade in school which he completed.

5. Please state the name and address of each negro citizen, individually, and not collectively, and not by reference to any document, public or otherwise, who you claim has been denied the right to register to vote by this Defendant, or her alleged agents, by the operation of Section 241-A of the Mississippi Constitution, as adopted in 1960. In answering this interrogatory, please state with particularity the facts surrounding each alleged incident of such denial, including the name or names of the person or persons who effected or committed such denial, the date and location of such denial, the specific nature of the denial, the specific nature of the denial, the names and addresses of any other persons present when such denial allegedly occurred.

6. Please state the names and addresses of each negro [fol. 625] citizen, individually, and not collectively, and not be reference to any document, public or otherwise, who you claim has been denied the right to register to vote by this Defendant, or her alleged agent, by the operation of House Bill 882 of the Regular Session of 1962. In answering this interrogatory, please state with particularity the facts surrounding each alleged incident of such denial, including the name or names of the person or persons who effected or committed such denial, the date and location of such denial, the specific nature of the denial, and the names and addresses of any other persons present when such denial allegedly occurred.

7. Please state the name and address of each negro citizen, individually, and not collectively, and not by reference to any document, public or otherwise, who you claim has been denied the right to register to vote by this Defendant, or her alleged agents, by the operation of House Bill 904 of the Regular Session of 1962. In answering this interrogatory, please state with particularity the facts of each alleged incident of such denial, including the name or names of the person or persons who effected or committed such denial, the date and location of such denial, the specific nature of the denial, and the names and addresses of any other persons present when such denial allegedly occurred.

8. Please state the name and address of each citizen, if any, individually, and not collectively, and not by reference to any document, public or otherwise, who you claim was assisted by this Defendant, or her alleged agents, in filling out the registration form with respect to his or her precinct, or as to where the applicant was to sign his or her name on the form. In answering this interrogatory, please state with particularity the facts surrounding each said incident of assistance, including the name or names of the person or persons who effected or committed such assistance, the date and location of such assistance, the specific nature of the assistance, and the names and addresses of any other persons present when such assistance allegedly occurred.

9. Please state the name and address of each negro citizen, individually, and not collectively, and not by refer-

ence to any document, public or otherwise, who you claim has been denied the right to register to vote by this Defendant, or her alleged agents, by the operation of House Bill No. 900 of the Regular Session of 1962, amending Section 3213 of Mississippi Code of 1942. In answering this interrogatory, please state with particularity the facts surrounding each alleged incident of such denial, including the name or names of the person or persons who effected or committed such denial, the date and location of such denial, the specific nature of such denial, the names and addresses of any other persons present when such denial allegedly occurred.

10. Please state the name and address of each negro citizen, if any, individually, and not collectively, and not by reference to any document, public or otherwise, who you claim satisfactorily completed the registration form, at any time by this Defendant, and who requested an appeal from this administrative decision, as provided by state law, but was denied the right of appeal from the decision of this registrar. In answering this interrogatory, please state with particularity the facts surrounding each alleged incident of such denial, including the name or names of the person or persons who effected or committed such denial, the date and location of such denial, the specific nature [fol. 627] of the denial, the names and addresses of any other persons present when such denial allegedly occurred.

11. Please state the name and address of each citizen, individually and not collectively, if any, and not by reference to any document, public or otherwise, who has been denied by this registrar, or her alleged agent, or by her predecessors in office, the right to register, without any formality, in the new registration books of Claiborne County, which have been in use, commencing in 1956, if said person had been a registered voter listed on the registration books in effect prior to that date. In answering this interrogatory, please state the formalities they were required to go through with, including the taking of any new examination or test of any nature or kind, if any, and state with particularity all of the facts surrounding each alleged incident of such denial, including the name or names of the person or persons who effected or committed such denial, the date and location of such denial, the

specific nature of the denial, and the names and addresses of any other persons present when such denial allegedly occurred.

12. Please state the name and address of each and every agent of the Federal Bureau of Investigation who have interviewed any witnesses with reference to this cause, or who have taken, or who are in possession of, any statements, written or otherwise, made by any citizen of Claiborne County with reference to this cause.

13. (a) Please state the name and address of each white person resident of Claiborne County who has been interviewed by any agent or attorney of Plaintiff relative to this cause.

[fol. 628] (b) Please state the name and address of each negro person resident of Claiborne County who has been interviewed by any agent or attorney of Plaintiff relative to this cause.

(c) Please state the name and address of each white person resident of Claiborne County who has given or furnished a statement or statements, written or oral, signed or unsigned, to any agent or attorney of Plaintiff relative to this cause. Please state which of these persons, if any, gave written statements, and whether they were signed or not, and also which of these persons, if any, gave oral statements.

(d) Please state the name and address of each negro person resident of Claiborne County who has given or furnished a statement or statements, written or oral, signed or unsigned, to any agent or attorney of Plaintiff relative to this cause. Please state which of these persons, if any, gave written statements, and whether they were signed or not, and also which of these persons, if any, gave oral statements.

14. State the name and address of each negro citizen of Claiborne County, individually, and not collectively, and not by reference to name or names on list or lists of names appearing or contained in any book, paper, or other document, public or otherwise, whether or not in the possession of this Defendant, who you claim has been delayed, prevented, hindered, harassed or discouraged from applying to register to vote on account of race or color by this Defendant or her alleged agents.

In answering this interrogatory, state with particularity each and every act or practice allegedly engaged in by this Defendant or her alleged agents, and the facts and circumstances surrounding each alleged incident, including [fol. 629] but not specifically limited to, the name or names of the person or persons who effected, committed, or participated in such acts and practices; the date, time and place when and where each such alleged act or practice was committed, executed, or performed; and the name, age, occupation, race, and address of each and every person present when each such alleged act or practice was committed, executed, or performed.

15. State the name and address of each white citizen of Claiborne County, individually and not collectively, and not by reference to name or names or list or lists of names appearing or contained in any book, paper, or other document, public or otherwise, whether or not in the possession of this Defendant, whom you intend to call as a witness who have been afforded by this Defendant or her alleged agents opportunities to register to vote in Claiborne County, which opportunities have allegedly been denied by this Defendant or her alleged agents to negro applicants for registration in said county; also, state separately the name and address of each and all other white citizens of said county, individually, not collectively, and not by reference to name or names or list or lists of names appearing or contained in any book, paper, or other document, public or otherwise, whether or not in the possession of this Defendant, whom you presently believe or have reason to believe have been afforded opportunities to register to vote by this Defendant or his alleged agents, which opportunities have been denied to negro applicants for registration.

In answering this interrogatory, please state with particularity each incidence of this Defendant or her alleged agents affording white applicants opportunities to register to vote which this Defendant or her alleged agents [fol. 630] have allegedly denied negro applicants, including the name and address of each white person afforded such opportunity; the date and time of the occurrence of the affording of such white person or persons said opportunity; the nature of the opportunity afforded such

white persons which has allegedly been denied by this Defendant or her alleged agents to negro applicants for registration; the place of the occurrence of the affording of said opportunities to register to vote to said white persons; the name, age, occupation, race and address of all persons present on such occasions; the name, age, occupation and address of each negro citizen of Claiborne County who has allegedly been denied by this Defendant or her alleged agent such opportunities to register to vote in said county.

16. State the name and address of each white citizen of Claiborne County, individually and not collectively, and not by reference to name or names or list or lists of names appearing or contained in any book, paper, or other document, public or otherwise, whether or not in the possession of this Defendant, whom you intend to call as a witness, who have been allowed or permitted by this Defendant or her alleged agents to register to vote in Claiborne County; who were and are no better qualified to register to vote than negro citizens of Claiborne County who were allegedly denied the right to register to vote by this Defendant or her alleged agents; also, state separately the name and address of each and all other white citizens of Claiborne County, individually and not collectively, and not by reference to name or names or list or lists of names appearing or contained in any book, paper or other document, public or otherwise, whether or note in the possession of this Defendant, whom you presently believe or have reason to believe have been allowed or [fol. 631] permitted by this Defendant or her alleged agents to register to vote in Claiborne County, who were and are no better qualified to register to vote than negro citizens of Claiborne County who were allegedly denied the right to register to vote by this Defendant or her alleged agents.

In answering this interrogatory, please state with particularity the facts and circumstances surrounding each alleged incidence of this Defendant or his alleged agents allowing or permitting white citizens of Claiborne County to register to vote who were and are no better qualified to register to vote than negro citizens of said County who have allegedly been denied said right by this Defendant or

her alleged agents, including the name and address of each such white citizen of Claiborne County so permitted to register to vote; the date of said registration; the name, age, occupation; race, and address of any other person or persons present at the time of said registration; in what respect or respects said white applicants were and are no better qualified to register to vote than negro citizens of said county who have allegedly been denied said right by this Defendant or her alleged agents; and state the name, age, occupation, and address, individually, of each negro citizen who has allegedly been denied the right to register to vote who was and is as well qualified to register to vote as white citizens who have allegedly been permitted or allowed to register to vote by this Defendant or her alleged agents.

17. Are you willing to treat these interrogatories as continuing interrogatories, and to make further answer to each of them within fifteen days after you receive any additional information requested by the foregoing interrogatories?

[fol. 632] Mrs. Pauline Easley, Circuit Clerk, and Registrar of Claiborne County. By: Joe T. Drake, Jr., Attorney at Law Port Gibson, Mississippi. Joe T. Patterson, Attorney General of the State of Mississippi. Will S. Wells, Dugas Shands, Guy N. Rogers and William A. Allain, Assistant Attorneys General of the State of Mississippi. Peter M. Stockett, Jr., Darryl A. Hurt and Charles Clark, Special Assistant Attorneys General of the State of Mississippi New State Capitol Jackson, Mississippi. By: Joe T. Drake, Jr.

Certificate of service (omitted in printing.)

[fol. 633] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI SOUTHERN DIVISION

Civil Action No. 3312

[Title omitted]

INTERROGATORIES OF THE DEFENDANT T. E. WIGGINS—Filed
July 9, 1963

To: The United States of America, Plaintiff.
Honorable Robert E. Hauberg,
United States Attorney,
Federal Building,
Jackson, Mississippi.

The Defendant, T. E. Wiggins, Circuit Court Clerk and Registrar of Lowndes County, Mississippi, requests the above named Plaintiff, the United States of America, by an officer or agent thereof, to answer under oath, in accordance with Rule 33 of the Federal Rules of Civil Procedure, the following interrogatories:

(1) State the factual basis for the assertion contained in Paragraph 12 of the Complaint concerning voting age population of Negro and white persons, and the approximate voter registration of each in Lowndes County, Mississippi. In answer to this interrogatory, please state with particularity that upon which this assertion is based.

(2) a. State with particularity the factual basis for the assertion contained in Paragraph 21 of the Complaint to the effect that, during the period from 1899 to approximately 1952, "white political supremacy" was maintained and promoted in Mississippi in the manner alleged in Subparagraphs (a), (b), and (c) of said Paragraph 21.

[fol. 634] (b) State with particularity any other methods, if any, by which you claim "white political supremacy" was maintained and promoted during said period in Mississippi and Lowndes County, Mississippi.

(c) State with particularity the name and address of each Negro citizen of Lowndes County, Mississippi who you

claim was not allowed to register to vote as charged in Sub. Section (a), the date of such alleged disallowance, and the name, address and official capacity, if any, of each person who you claim refused to allow said negroes to register to vote, and the factual circumstances surrounding each such alleged refusal, including the specific methods or means alleged to have been employed.

(d) Also, please state the name and address of each literate negro of Lowndes County, Mississippi, who you claim was required to interpret sections of the Mississippi Constitution as charged by subsection (b) of Paragraph 21 of the Complaint, and also state the name and address and official capacity, if any, of each person who you claim compelled each literate negro to interpret sections of the Mississippi Constitution.

(e) Also, please state the name and address of each negro of Lowndes County, Mississippi who you claim was excluded from Democratic primary elections in said County as charged in subsection (c) of Paragraph 21 of the Complaint, and state the name and address and official capacity, if any, of each person who excluded each negro from said Democratic primary elections, and state with particularity and specificity the factual circumstances surrounding each alleged incidence of negroes being excluded from said primary elections, including the specific manner or means by which said exclusion occurred.

(f) Also, please state with particularity the factual basis of each alleged incidence of this Defendant, T. E. Wiggins, as distinguished from any and all other Defendants, performing or committing any of the acts or practices charged in subsections (a), (b), or (c) of Paragraph 21 of the Complaint.

[fol. 635] (3) State the name, age, occupation and address of each "otherwise qualified" Negro citizen of Lowndes County, Mississippi, whom you intend to call as a witness on the hearing for Preliminary and Permanent injunctions, individually, not collectively, and not by reference to name or names of list or lists of names appearing or contained in any book, paper, or other document, public or otherwise, whether or not in the possession of this Defendant, who has been deterred from applying for registration to vote because of the exist-

ence of the interpretation test and the duties and obligations test, or their enforcement or the "threat" of their enforcement, as alleged in Paragraph 41 of the Complaint; also, state separately the name, age, occupation and address of each and all other "otherwise qualified" Negro citizens of Lowndes County, Mississippi, individually, not collectively, and not by reference to name or names of list or lists of names appearing or contained in any book, paper, or other document, public or otherwise, whether or not in the possession of the Defendant, whom you presently believe, or have reason to believe, to have been deterred from applying for registration to vote because of the interpretation test and the duties and obligations test, or their enforcement or the "threat" of their enforcement, as alleged in said Paragraph 41 of the Complaint.

(4) Please state with particularity the factual basis for the assertion made in Paragraph 52 of the Complaint as amended that the existence of the good moral character qualification in Mississippi, its enforcement and the threat of its enforcement, have deterred qualified negro citizens in Lowndes County, Mississippi from applying to register to vote.

In answering this interrogatory, please state the name, address, age, literacy level and length of residence with the County and State, of each negro citizen of Lowndes County, Mississippi who you claim has been so deterred by the existence, enforcement or threat or enforcement, of the good moral character qualification.

In answering this interrogatory, please state the name, address, age, literacy level and length of residence [fol. 636] within the County and State, of each negro citizen of Lowndes County, Mississippi who you claim is being deterred by the existence, enforcement or threat of enforcement, of the good moral character qualification.

Please state the factual basis for the assertion made in Paragraph 52 of the Complaint as amended that the threatened use and the use by this Defendant, T. E. Wiggins, of the character requirement, deprive and will deprive otherwise qualified negro citizens of the right to register to vote without distinction of race or color, and that such deprivations, occurring by the adoption, use and threat of use, of the character requirement, have been and are

pursuant to a pattern and practice of racial discrimination. In answering this interrogatory, please state each individual act which constitutes "a pattern and practice of racial discrimination" with which you seek to charge this Defendant as alleged in Paragraph 52 of the Complaint as amended, and state the name, address, age, literacy level, and length of residence in the State and County of each negro citizen of Lowndes County, Mississippi, individually, otherwise qualified to register to vote who you claim has been deprived of the right to register to vote by this Defendant, by the use and/or threatened use of the character requirement; also, state the name or names of the person or persons who allegedly effected or committed such deprivations, the precise nature of the deprivations and the name and address of any other person known to you to have been present on such occasions. Also state the name, and address, of each negro citizen of Lowndes County, Mississippi as to whom you claim the good moral character requirement has been applied and the name of each person applying said requirement to each of said negro citizens, and the date and circumstances of each application of said good moral character requirement to each of said negro citizens of Lowndes County, Mississippi.

(5) (a) State with particularity the factual basis for the assertions contained in Paragraphs 69 and 70 of the Complaint that "otherwise qualified" Negro citizens of the State of Mississippi have been, are now and will in the [fol. 637] future be deterred from applying to register to vote, and will be deprived of their right to register to vote without distinction of race or color unless this Defendant and his alleged agents are restrained from enforcing or "threatening" to enforce the registration requirements as described in Paragraph 66 of the Complaint, or because of the existence of said requirements.

(b) State the name, age, occupation, address, literacy level, and length of residence in the State and County, of each "otherwise qualified" Negro citizen of Lowndes County, Mississippi, individually, not collectively, and not by reference to name or names or list or lists of names appearing or contained in any book, paper or other document, public or otherwise, whether or not in the possession

of this Defendant, whom you intend to call as a witness on the hearing on the Preliminary and Permanent Injunctions who have been deterred, are now deterred, and will in the future be deterred from applying to register to vote in Lowndes County, Mississippi, because of the existence of the registration requirements described in Paragraph 66 of the Complaint, or because of the enforcement or "threat" of enforcement of the registration requirements described in Paragraph 66 of the Complaint by this Defendant; also state separately the name, occupation, address, literacy level, and length of residence in the State and County, of each and all other "otherwise qualified" Negro citizens of Lowndes County, Mississippi, individually, not collectively, and not by reference to name or names or list or lists of names appearing or contained in any book, paper or other document, public or otherwise, whether or not in the possession of this Defendant, whom you presently believe or have reason to believe to have been deterred, are now deterred and will be in the future deterred from applying to register to vote in said County because of the existence of the registration requirements described in Paragraph 66 of the Complaint or the enforcement or "threat" of enforcement of the registration requirements described in Paragraph 66 of the Complaint by this Defendant.

[fol. 638] (6) State the name and address of each "otherwise qualified" Negro citizen of Lowndes County, Mississippi, individually, not collectively, and not by reference to name or names or list or lists of names appearing or contained in any book, paper or other document, public or otherwise, whether or not in the possession of this Defendant, whom you claim has been denied the right to register to vote without distinction of race or color by this Defendant or his alleged agents by operation of "... Section 244 of the Mississippi Constitution of 1890 prior to its amendment in the year 1955, and all legislation implementing the same ..."

In answering this interrogatory, please state with particularity the facts surrounding each alleged incidence of such denial, including the name or names of the person or persons who effected or committed such denial; the date, time and place of such denial; the specific nature of

the denial; and the name, age, occupation, race and address of each and every person present when such denial allegedly occurred.

(7) State the name and address of each "otherwise qualified" Negro citizen of Lowndes County, Mississippi, individually, not collectively, and not by reference to name or names or list or lists of names appearing or contained in any book, paper or other document, public or otherwise, whether or not in the possession of this Defendant, whom you claim has been denied the right to register to vote without distinction of race or color by this Defendant or his alleged agents by operation of "... Section 244 of the Mississippi Constitution of 1890 as amended in the year 1955, and all legislation implementing the same...."

In answering this interrogatory, please state with particularity the facts surrounding each alleged incidence of such denial, including the name or names of the person or persons who effected or committed such denial; the date, time and place of such denial; the specific nature of the denial; and the name, age, occupation, race and address of each and every person present when such denial allegedly occurred.

[fol. 639] (8) State the name and address of each "otherwise qualified" Negro citizen of Lowndes County, Mississippi, individually, not collectively, and not by reference to name or names or list or lists of names appearing or contained in any book, paper, or other document, public or otherwise, whether or not in the possession of this Defendant, whom you claim has been denied the right to register to vote without distinction of race or color by this Defendant or his alleged agents by operation of "... Section 241-A of the Mississippi Constitution of 1890, and all legislation implementing the same...."

In answering this interrogatory, please state with particularity the facts surrounding each alleged incidence of such denial, including the name or names of the person or persons who effected or committed such denial; the date, time and place of such denial; the specific nature of the denial; and the name, age, occupation, race and address of each and every person present when such denial allegedly occurred.

(9) Please state the name and address of each Negro citizen, individually, not collectively, and not by reference to name or names or list or lists of names appearing or contained in any book, paper or other document, public or otherwise, whether or not in the possession of this Defendant, whom you claim has complied with all of the requirements of registering to vote in the State of Mississippi and who has been denied the right to register to vote on account of race or color by this Defendant or his alleged agents.

In answering this interrogatory, please state with particularity the facts surrounding each alleged incident of such denial, including the name, age, occupation, race and address of the person or persons who effected or committed such denial; the date, time, place and location of such denial; the specific nature of the denial; and the name, age, occupation, race and address of any other person or persons present when such denial allegedly occurred.

[fol. 640] (10) State the name and address of each Negro citizen of Lowndes County, Mississippi, individually, not collectively, and not by reference to name or names on list or lists of names appearing or contained in any book, paper or other document, public or otherwise, whether or not in the possession of this Defendant, whom you claim has been delayed, prevented, hindered, harassed or discouraged from applying to register to vote on account of race or color by this Defendant or his alleged agents.

In answering this interrogatory, state with particularity each and every act or practice allegedly engaged in by this Defendant or his alleged agents, and the facts and circumstances surrounding each alleged incident, including, but not specifically limited to, the name or names and address of the person or persons who effected, committed, or participated in such acts and practices; the date, time and place when and where each such alleged act or practice was committed, executed or performed; and the name, age, occupation, race and address of each and every person present when each such alleged act or practice was committed, executed or performed.

(11) State the name and address of each white citizen of Lowndes County, Mississippi, individually, not collectively, and not by reference to name or names or list or lists of

names appearing or contained in any book, paper or other document, public or otherwise, whether or not in the possession of this Defendant, whom you intend to call as a witness on the hearing for Preliminary and Permanent Injunctions who have been afforded by this Defendant or his alleged agents opportunities to register to vote in Lowndes County, Mississippi, which opportunities have allegedly been denied by this Defendant or his alleged agents to Negro applicants for registration in said County; also, state separately the name and address of each and all other white citizens of said County, individually, not collectively, and not by reference to name or names or list or lists of names appearing or contained in any book, paper or other document, public or otherwise, whether [fol. 641] or not in the possession of this Defendant, whom you presently believe or have reason to believe have been afforded opportunities to register to vote by this Defendant or his alleged agents, which opportunities have been denied to Negro applicants for registration.

In answering this interrogatory, please state with particularity each incidence of this Defendant or his alleged agents affording white applicants opportunities to register to vote which this Defendant or his alleged agents have allegedly denied Negro applicants, including the name and address of each white person afforded such opportunity; the date and time of the occurrence of the affording of such white person or persons said opportunity; the nature of the opportunity afforded such white person or persons which has allegedly been denied by this Defendant or his alleged agents to Negro applicants for registration; the place of the occurrence of the affording of said opportunities to register to vote to said white persons; the name, age, occupation, race and address of all persons present on such occasions; the name, age, occupation and address of each Negro citizen of Lowndes County, Mississippi, who has allegedly been denied by this Defendant or his alleged agent such opportunities to register to vote in said County.

(12) State the name and address of each white citizen of Lowndes County, Mississippi, individually, not collectively, and not by reference to name or names or list or lists of names appearing or contained in any book, paper

or other document, public or otherwise, whether or not in the possession of this Defendant, whom you intend to call as a witness on the hearing for Preliminary and Permanent Injunctions who have been allowed or permitted by this Defendant or his alleged agents to register to [fol. 642] vote in Lowndes County, Mississippi, who were and are no better qualified to register to vote than Negro citizens of Lowndes County, Mississippi, who were allegedly denied the right to register to vote by this Defendant or his alleged agents; also state separately the name and address of each and all other white citizens of Lowndes County, Mississippi, individually, not collectively, and not by reference to name or names or list or lists of names appearing or contained in any book, paper or other document, public or otherwise, whether or not in the possession of this Defendant, whom you presently believe or have reason to believe have been allowed or permitted by this Defendant or his alleged agents to register to vote in Lowndes County, Mississippi, who were and are no better qualified to register to vote than Negro citizens of Lowndes County, Mississippi, who were allegedly denied the right to register to vote by this Defendant or his alleged agents.

In answering this interrogatory, please state with particularity the facts and circumstances surrounding each alleged incidence of this Defendant or his alleged agents allowing or permitting white citizens of Lowndes County, Mississippi, to register to vote who were and are no better qualified to register to vote than Negro citizens of said County who have allegedly been denied said right by this Defendant or his alleged agents, including the name and address of each such white citizen of Lowndes County, Mississippi, so permitted to register to vote; the date of said registration; the name, age, occupation, race and address of any other person or persons present at the time of said registration; the place of said registration; in what [fol. 643] respect or respects said white applicants were and are no better qualified to register to vote than Negro citizens of said County who have allegedly been denied said right by this Defendant or his alleged agents; and state the name, age, occupation and address, individually, of each Negro citizen who has allegedly been denied the right to register to vote who was and is as well

qualified to register to vote as white citizens who have allegedly been permitted or allowed to register to vote by this Defendant or his alleged agents.

(13) State the name and address of each and every agent of the Federal Bureau of Investigation who has interviewed any witnesses, or who has taken, or is in possession of, any memoranda or any statements, whether written or otherwise, made by any person with reference to, or having any connection with, the registration of voters in Lowndes County, Mississippi, by this Defendant or his alleged agents.

(14) State the name, age, occupation, race and address of each and every person who has been interviewed by any agent or attorney of Plaintiff relative to the acts and practices of this Defendant or his alleged agents in the performance and discharge of his duties as Registrar of Voters of Lowndes County, Mississippi.

(15) State the name, occupation, race and address of each and every person who has given or furnished any statement of statements, written or oral, signed or unsigned, to any agent or attorney for Plaintiff relative to or having any connection with the acts and practices of this Defendant or his alleged agents in the performance and discharge of his duties as Registrar of Voters in Lowndes County, Mississippi. In answer to this interrog-[fol. 644] atory, state which of these persons, if any, gave written statements, which of these persons, if any, gave oral statements; and state which of these persons, if any, who gave written statements signed such statements.

(16) State the name, age, occupation, race and address of each person not previously listed or named in answering these interrogatories whom you intend to call as a witness against this Defendant on the hearing for Preliminary and Permanent Injunctions, and state with particularity what you intend to prove by each such witness.

(17) Please treat the interrogatories as continuing interrogatories, and answer each of them within fifteen (15) days after you receive any additional information requested herein.

Please take notice that a copy of the Answer to these

interrogatories must be served upon the undersigned within fifteen (15) days after service hereof.

T. E. Wiggins, Circuit Court Clerk and Registrar Lowndes County, Mississippi Defendant. By: Wm. G. Burgin, Jr., Attorney at Law, Columbus, Mississippi. W. H. Jolly, Attorney at Law, Columbus, Mississippi. J. O. Sams, Jr., Attorney at Law, Columbus, Mississippi. Joe T. Patterson, Attorney General, State of Mississippi, Jackson, Mississippi. By: Wm. G. Burgin, Jr., One of the Attorneys of Record for Defendant.

[fol. 645] Certificate of service omitted in printing.

[fol. 646] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI JACKSON DIVISION

Civil Action No. 3312

[Title omitted]

APPLICATION FOR ORDER FOR EXTENSION OF TIME IN WHICH
TO FILE ANSWERS TO INTERROGATORIES—Filed July 13,
1963.

Plaintiff applies for an extension of time to answer interrogatories served by the Defendant State of Mississippi on May 17, 1963 due July 5, 1963; interrogatories served by Defendant J. W. Smith, Circuit Clerk and Registrar of Coahoma County, Mississippi served on June 6, 1963 due on July 10, 1963 and interrogatories served by Defendant Pauline Easley, Circuit Clerk and Registrar of Claiborne County, Mississippi on June 20, 1963 due on July 5, 1963 until August 15, 1963. Plaintiff is in the process of preparing with diligence answers to these interrogatories

but because the answers require exhaustive investigation and preparation, they will not be completed until August 15, 1963.

John Doar Attorney, Department of Justice.

[fol. 647] [File Endorsement Omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI JACKSON DIVISION

Civil Action No. 3312

(Title Omitted).

ORDER EXTENDING TIME WITHIN WHICH TO FILE ANSWERS
TO INTERROGATORIES—July 2, 1963

Based upon the application of the plaintiff for an extension of time in which to answer the interrogatories served by the defendants on May 17, 1963, June 6, 1963 and June 20, 1963 it is ordered that the time for answering said interrogatories be and the same is extended to August 15, 1963.

Done this 2nd day of July, 1963.

John Minor Wisdom, United States Circuit Judge.

[fols. 648-653] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI JACKSON DIVISION

Civil Action No. 3312

(Title Omitted)

ORDER ENLARGING TIME WITHIN WHICH TO FILE ANSWERS
TO INTERROGATORIES OF DEFENDANT T. E. WIGGINS—July
15, 1963.

The Plaintiff, United States of America; having moved this Court for an enlargement of time to and including August 15, 1963, within which to file answers to interrogatories filed by the defendant T. E. Wiggins. Counsel having been heard, and it appearing that preparation of such answer is in progress but can not be completed until August 15, 1963, because of the length and complexity of such interrogatories it is, therefore,

Ordered, that the Plaintiff, United States of America is hereby granted an enlargement of time within which to file answers to interrogatories propounded by the Defendant T. E. Wiggins through and including August 15, 1963.

Ordered, this 15 day of July, A. D., 1963.

Harold Cox, United States District Judge.

[fol. 654] [File Endorsement Omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

Civil Action No. 3312

[Title omitted]

APPLICATION FOR ORDER FOR EXTENSION OF TIME IN WHICH
TO FILE ANSWERS TO INTERROGATORIES—Filed August 14,
1963.

Plaintiff applies for an extension of time to answer interrogatories served by the defendant State of Mississippi on May 17, 1963; interrogatories served by defendant J. W. Smith, Circuit Clerk and Registrar of Coahoma County, Mississippi on June 6, 1964; interrogatories served by defendant Pauline Easley, Circuit Clerk and Registrar of Claiborne County, Mississippi on June 20, 1963 and interrogatories served by defendant T. E. Wiggins, Circuit Clerk and Registrar of Lowndes County, Mississippi, by mail, on July 8, 1963. By Orders of this Court of July 13, 1963 and July 15, 1963, time for answering said interrogatories was set on August 15, 1963.

[fol. 655] Plaintiff is in the process of preparing with diligence answers to these interrogatories, but because the answers require exhaustive investigation and preparation, they will not be completed until September 1, 1963.

Wherefore, plaintiff applies to this Court for an extension of time within which to answer the aforesaid interrogatories to and include September 1, 1963.

D. Robert Owen, Attorney, Department of Justice.

[fol. 656] Certificate of Service Omitted in printing.

[fol. 657]

[File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI JACKSON DIVISION

Civil Action No. 3312

[Title omitted]

ORDER EXTENDING TIME WITHIN WHICH TO FILE ANSWERS
TO INTERROGATORIES—August 14, 1963

Based upon the application of the plaintiff for an extension of time in which to answer the interrogatories served by the defendants on May 17, 1963, June 6, 1963, June 20, 1963 and July 8, 1963,

It Is Ordered that the time for answering said interrogatories be and the same is hereby extended to and including September 1, 1963.

Done this 14 day of August, 1963 A. D.

Harold Cox, United States District Judge.

[fol. 658] Certificate of Service Omitted in printing

[fol. 659]

[File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

Civil Action No. 3312

[Title omitted]

ANSWERS TO INTERROGATORIES OF STATE OF MISSISSIPPI; MRS.
PAULINE FASLEY, CIRCUIT CLERK AND REGISTRAR OF CLAI-
BORNE COUNTY; J. W. SMITH, CIRCUIT CLERK AND REGISTRAR
OF COAHOMA COUNTY; T. E. WIGGINS, CIRCUIT CLERK AND
REGISTRAR OF LOWNDES COUNTY—filed September 3, 1963.

Statistics
Census—Registration—Voting
1890—1962

[fol. 660] ANSWERS TO STATE'S INTERROGATORIES No. 1, 6, 9, 13(a), 13(b), SMITH'S INTERROGATORY No. 1, AND WIGGINS' INTERROGATORY No. 1 RELATING TO FACTUAL BASIS FOR CERTAIN STATISTICAL ALLEGATIONS IN PLAINTIFF'S AMENDED COMPLAINT.

The plaintiff has combined its answers to State's Interrogatories Nos. 1, 6, 9, 13(a), 13(b) and Coahoma's Interrogatory No. 1 because each of these interrogatories inquire as to the factual basis for certain allegations with respect to census and registration statistics in the State of Mississippi on certain dates and for certain periods.

A. Relevant Statistics

Relevant statistics include census statistics by race of those persons twenty-one years or older in Mississippi and registration statistics by race of all persons who were registered to vote as of a specific date.

B. Relevant Dates

The statistical information as of the following dates is relevant:

- January 1, 1890
- January 1, 1899
- January 1, 1954
- March 24, 1955
- January 1, 1960
- June 1, 1962

January 1, 1890—In 1890 a Mississippi Constitutional Convention adopted a new state constitution, including Section 244 which re-[fol. 661] quired a new registration of voters beginning January 1, 1892 and which established as a new prerequisite to voting, to wit: a person otherwise qualified be able to read any section of the Mississippi Constitution or understand the same when read to him, or give a reasonable interpretation thereof.

January 1, 1899—By that date 82% of the white males of voting age and only 9% of the Negro males of voting age were registered.

January 1, 1954—On November 22, 1954 the electorate of Mississippi adopted an interpretation test as an additional prerequisite to voting but exempted persons registered prior to January 1, 1954 from being subject to the test.

March 24, 1955 —Date when the use of constitutional interpretation test was first authorized by implementing legislation in Mississippi. All persons who registered between January 1, 1954 and March 24, 1955 were registered without taking the constitutional interpretation test.

[fol. 662]

January 1, 1960—On November 8, 1960 the electorate of the State of Mississippi adopted a requirement that all electors be of good moral character.

June 1, 1962 —The first day of the first month following the effective date of the passage of the package of legislation by the Legislature of Mississippi in May 1962 effecting the procedures under which an applicant for registration applies to register and effecting standards which a registrar must apply in grading applications for registration.

In some instances the particular date selected was done for convenience, e.g., January 1, 1899 and January 1, 1960.

C. Documents

The documents upon which the plaintiff intends to rely in proving the statistical allegations in the complaint are the following:

1. Certified copies of census information for the State of Mississippi for the years 1890, 1900, 1910, 1920, 1930, 1940, 1950 and 1960. The pertinent census information will be that which specifies the number of persons twenty-one years or older in Mississippi by race as of the census date.

[fol. 663] 2. Registration records. Microfilm of all registration records photographed by the Government in

Mississippi. The particular registration records that are relevant in determining registration statistics are the current-registration books. Since Mississippi has eliminated the requirement that the race of the registrant be included on the registration book and since some of the registration books are not maintained as accurately with respect to deaths and transfers, other records are also relevant on registration statistics. These other records include old registration books, current and all primary and general poll books, poll tax receipts, poll tax payers lists and application forms.

Attached and incorporated as part of the answers to the above interrogatories are summary sheets for each county wherein records have been obtained or wherein information has been obtained from the present registrar of the county. On each of these summary sheets is contained the relevant statistical information by county and an explanation of when, from what and how this information was obtained. Summary tables and maps are also attached for your convenience.

Because of a policy of the State of Mississippi and its officials, the Government has neither obtained all of the registration records from many of the counties [fol. 664] of which we attach summary sheets or from all of the counties in Mississippi. With respect to counties where we do not have the official registration records, we will rely upon the secondary sources which will include the following: statistics of the number of persons that voted in the first primary for Governor in the years 1951, 1955, 1959 and 1963.

Where the necessary statistical facts are incomplete, we will also call witnesses. For your information, we may call as a witness James Barnes who in 1955 made a survey of the voting done by Negroes in Mississippi. A copy of Barnes' survey is attached hereto for your convenience.

We may call as witnesses registrars with respect to the registration statistics by race in their respective counties.

We may call as witnesses persons who have been told the facts by registrars with respect to registration statistics on the relevant dates.

[fols. 665-667]

PRIMARY, GENERAL ELECTION AND REGISTERED VOTE BY RACE, 1899

COUNTIES.	Primary Vote for Governor.						Total vote for Governor in general election.	Primary Vote for U. S. Senator—Long Term.						Short Term.			Highest Primary vote for State or County candidate.	Highest vote for County Office in general election.	Registered White vote.	Registered Colored vote.	Total registered vote.
	A. H. Longino.	F. A. Critz.	Jas. F. McCool.	W. A. Montgomery.	Jas. K. Vardaman.	Robert Powell.		A. J. McLaurin.	John M. Allen.	J. S. Williams.	S. D. Robbins.	W. V. Sullivan.	Total vote Long Term.	W. V. Sullivan.	Robert Lowry.	Total vote Short Term.					
Adams.....							339	518	449		3		970	615	276	891	1,032	350	1,182	261	1,443
Alcorn.....							878										1,575	1,233	2,344	154	2,498
Amite.....	332	516	14	439	9	32	584	659	213	443			1,315	961	299	1,260	1,367	584	1,787	276	2,063
Attala.....							1,395	Con.							Con.		2,290	1,419	3,000	500	3,500
Benton.....							352										864	362	880	120	1,000
*Bolivar.....							420	Primary.										424	460	219	679
Calhoun.....							960	1,383	359				1,742	1,262	327	1,589	1,865	1,055	2,040	245	2,285
Carroll.....							1,334	690	294				984	515	694	1,209	1,204	1,485	2,129	631	2,760
Chickasaw.....							1,089	602	408				1,010	232	665	897	1,056	1,433	1,600	400	2,000
Choctaw.....							1,416	512	593				1,105	625	376	1,001	1,806	1,526	1,600	300	1,900
Claiborne.....	220	10	17	194	266	132	242	468	256				724	322	500	822	863	242	1,075	67	1,142
Clarke.....	655	861					489	1,259	238				1,497	940	545	1,485	1,549	489	1,822	32	1,854
Clay.....							466										1,081	466	1,305	135	1,440
Coahoma.....							440	486	243		1		730				767	481	876	240	1,116
Copiah.....							1,260	1,509	617	38			2,164	1,145	953	2,098	2,205	1,260	2,786	143	2,929
Covington.....							340	964	237	188			1,389	351	733	1,084	1,569	373	1,526	497	2,023
DeSoto.....	275	317	8	11	599	21	407	451	777				1,228	609	379	988	1,363	408	1,909	212	2,121
*Franklin.....	317	403	12	43	14	87	776	594	185	117	10		906				1,010	970	103	1,073	
*Greene.....	86	490					327	442	164	90			696	233	223	456		743	759	75	834
*Grenada.....							308	510	257		5		772	269	523	792	792	310	788	303	1,091
Hancock.....					Var.		218	420	207				627	183	478	661	730	224	1,057	117	1,174
*Harrison.....							418	732	266	50	10		1,058	313	613	926	1,154	459	1,892	235	2,127
*Hinds.....							794	1,676	316	584	20		2,596	893	1,675	2,568	2,590	794	3,273	220	3,493
Holmes.....							687	868	789	34	16		1,707	963	741	1,704	1,744	687	2,092	434	2,526
*Issaquena.....							84	152	5	2			159	155	3	158		84	169	99	268
*Itawamba.....							447											543	1,996	73	2,069
Jackson.....							305	236	857	43	40		1,176	461	702	1,163	1,111	321	1,900	250	2,150
Jasper.....							473											477	1,584	74	1,658
Jefferson.....	409	15	58	128	90	76	471	588	71	138	6		803	262	531	793	813	471	1,131	454	1,585
*Jones.....	806	523	31	25			786	1,151	204				1,355	890	348	1,238	1,464	793	1,530	108	1,638
*Kemper.....	94	643	74	53	63	54	1,154	816	195	36			1,047	235	716	951	1,240	1,301	1,820	243	2,063
Lafayette.....							696	49	275			1,834	2,158	1,884	224	2,108	2,150	696	3,141	525	3,666
*Lauderdale.....							1,191	1,074	1,214	73			2,361	1,029	1,227	2,256	2,487	1,193	2,895	386	3,281
*Lawrence.....							673	895	423				1,318	768	444	1,212	1,478	696	1,156	478	1,634
Leake.....							661	1,287	694				1,981	839	1,086	1,925	2,099	663	2,413	422	2,835
Lee.....							619										2,149	673	1,225	500	1,725
Leflore.....							230										617	230	812	43	855
*Lincoln.....	926					661	7,234	757	617	71	10		1,455	841	518	1,359	1,641	1,304	1,842	502	2,344
Lowndes.....							424										1,340	424	1,656	106	1,762
Madison.....							311											311	1,150	125	1,275
Marion.....							879											1,354	1,344	386	1,730
Marshall.....							712	106	775			581	1,462	875	552	1,427	1,518	716	2,066	247	2,313
*Monroe.....							821	474	1,670				2,114	673	1,390	2,063		890	2,564	270	2,834
Montgomery.....							843	180	468	801			1,449	867	462	1,329	1,460	843	2,571	300	2,871
Neshoba.....							858	620	67	161			848	473	377	850	1,652	758	1,950	270	2,220
Newton.....	347	570	569	300	29	15	934	1,423	306	91	27		1,847	486	1,264	1,750	1,869	936	2,572	82	2,654
Noxubee.....							467	659	375	33			1,067	293	688	981	1,076	467	1,233	44	1,277
Quitman.....							548											552	1,350	117	1,467

	A. H. I	F. A. C	Jas. F.	W. A.	Jas. K.	Robert	Total v eral	A. J. N	John N	J. S. W	S. D. R	W. V. S	Total	W. V. F	Robert	Total	Higher or C	Higher in g	Regist	Regis	Total	
Adams							339	518	449		3		970	615	276	891	1,032	350	1,182	261	1,443	
Alcorn							878										1,575	1,233	2,344	154	2,498	
Amite	332	516	14	439	9	32	584	659	213	443			1,315	961	299	1,260	1,367	584	1,787	276	2,063	
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Benton							352										864	362	880	120	1,000	
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Calhoun							960	1,383	359				1,742	1,262	327	1,589	1,865	1,055	2,040	245	2,285	
Carroll							1,334	690	294				984	515	694	1,209	1,204	1,485	2,129	631	2,760	
Chickasaw							1,089	602	408				1,010	232	665	897	1,056	1,433	1,600	400	2,000	
Choctaw							1,416	512	593				1,105	625	576	1,001	1,806	1,526	1,600	300	1,900	
Claiborne	220	10	17	194	266	132	242	468	256				724	322	500	822	863	242	1,075	67	1,142	
Clarke	655	861					489	1,259	238				1,497	940	545	1,485	1,549	489	1,822	32	1,854	
Clay							466										1,081	466	1,305	135	1,440	
Coahoma							440	486	243		1		730				767	481	876	240	1,116	
Copiah							1,260	1,509	617	38			2,164	1,145	953	2,098	2,205	1,260	2,786	143	2,929	
Covington							340	964	237	188			1,389	351	733	1,084	1,569	373	1,526	497	2,023	
DeSoto	275	317	8	11	599	21	407	451	777				1,228	609	379	988	1,363	408	1,909	212	2,121	
*Franklin	317	403	12	43	14	87	776	594	185	117	10		906					1,010	970	103	1,073	
*Greene	86	490					327	442	164	90			696	233	223	456		743	759	75	834	
*Grenada							308	510	257		5		772	269	523	792	792	310	788	303	1,091	
Hancock					Var.		218	420	207				627	183	478	661	730	224	1,057	117	1,174	
*Harrison							418	782	266	50	10		1,058	313	613	926	1,154	459	1,892	235	2,127	
*Hinds							794	1,676	316	584	20		2,596	893	1,675	2,568	2,590	794	3,273	220	3,493	
Holmes							687	868	789	34	16		1,707	963	741	1,704	1,744	687	2,092	434	2,526	
*Issaquena							84	152	5	2			159	155	3	158		84	169	99	268	
*Itawamba							447											543	1,996	73	2,069	
Jackson							305	236	857	43	40		1,176	461	702	1,163	1,111	321	1,900	250	2,150	
Jasper							473											477	1,584	74	1,658	
Jefferson	409	15	58	128	90	76	471	588	71	138	6		803	262	531	793	813	471	1,131	454	1,585	
*Jones	806	523	31	25			786	1,151	204				1,355	890	348	1,238	1,464	793	1,530	108	1,638	
*Kemper	94	643	74	53	63	54	1,154	816	195	36			1,047	235	716	951	1,240	1,301	1,820	243	2,063	
Lafayette							696	49	275			1,834	2,158	1,884	224	2,108	2,150	896	3,141	525	3,666	
*Lauderdale							1,191	1,074	1,214	73			2,361	1,029	1,227	2,256	2,487	1,193	2,895	386	3,281	
*Lawrence							673	895	423				1,318	768	444	1,212	1,478	696	1,156	478	1,634	
Leake							661	1,287	694				1,981	839	1,086	1,925	2,009	663	2,413	422	2,835	
Lee							619										2,149	673	1,225	500	1,725	
Leflore							230										617	230	812	43	855	
*Lincoln	926					661	7,234	757	617	71	10		1,455	841	518	1,359	1,641	1,304	1,842	502	2,344	
Lowndes							424										1,340	424	1,656	106	1,762	
Madison							311											311	1,150	125	1,275	
Marion							879											1,354	1,344	386	1,730	
Marshall							712	106	775			581	1,462	875	552	1,427	1,518	716	2,066	247	2,313	
*Monroe							821	474	1,670				2,114	673	1,390	2,063		890	2,564	270	2,834	
Montgomery							843	180	468	801			1,449	867	462	1,329	1,460	843	2,571	300	2,871	
Neshoba							858	620	67	161			848	473	377	850	1,652	758	1,950	270	2,220	
Newton	347	570	569	390	29	15	934	1,423	306	91	27		1,847	486	1,264	1,750	1,869	936	2,572	82	2,654	
Noxubee							467	659	375	33			1,067	293	688	981	1,076	467	1,233	44	1,277	
Oktibbeha							548											552	1,350	117	1,467	
Panola							551	1,203	594				1,797	1,162	691	1,853	1,881	551	2,751	385	3,136	
Pearl River							302	334	36	55	5		430	72	316	388	508	436	729	111	840	
*Perry	411	239	270	31	30	30	428	659	221				880	320	256	576		460	1,000	112	1,112	
Pike							661	1,374	326		22	298	2,020	1,046	772	1,818	1,991	671	3,312	322	3,634	
Pontotoc							1,355											1,620	1,775	249	2,170	
Prentiss							968											2,076	1,084	2,205	291	2,496
Quitman							182	Con.										224	196	319	130	449
Rankin							786	1,360	76				1,436	411	1,048	1,459	1,558	786	2,182	276	2,458	
Scott	506	653	10	60		14	721	1,098	17				1,271	756	466	1,222	1,098	848	1,743	418	2,181	
*Sharkey							136	Con.										140	345	51	396	
Simpson							917	990	62	66	18		1,236					1,211	1,044	1,600	150	1,750
Smith							1,426	Con.										1,827	1,883	230	2,113	
Sunflower							249											743	250	869	40	907
*Tallahatchie							351	220	355			522	1,097	800	207	1,027		351	1,540	245	1,785	
Tate							545	806	545		23	201	1,575	755	727	1,482	1,620	615	2,000	450	2,450	
*Tippah	317	439	26	14	131	3	815	278	944				1,222	619	553	1,172	1,253	1,871	1,556	130	1,686	
Tishomingo							725											1,328	965	1,516	73	1,589
Tunica							144	261	100				361	234	112	346	440	154	517	106	623	
Union	169	303	18		411		579	862	1,152			</										

[fol. 668] POPULATION 1890, AND REGISTERED VOTE 1896

COUNTIES.	White Pop. 1890.	Colored Pop. 1890.	Total Pop. 1890.	White Males Over 21 Years.	Colored Males Over 21 Years.	Total White and Col. Males Over 21.	Registered White Vote 1896.	Registered Colored Vote 1896.	Total Registered Vote 1896.	Voting Precincts.
Adams.....	6,128	19,903	26,031	1,620	4,009	5,629	839	342	1,181	8
Alcorn.....	9,605	3,510	13,115	1,994	656	2,550	1,539	116	1,655	13
Amite.....	7,600	10,598	18,198	1,645	1,903	2,548	1,443	207	1,650	10
Attala.....	12,742	9,471	22,213	2,701	1,691	4,392	1,700	300	2,000	15
Benton.....	5,665	4,920	10,585	1,230	877	2,107	938	174	1,112	12
Bolivar.....	3,222	26,758	29,980	1,246	7,212	8,458	460	219	679	20
Calhoun.....	11,276	3,412	14,688	2,229	619	2,264	1,523	103	1,626	15
Carroll.....	8,161	10,612	18,773	1,788	1,965	3,753	2,247	493	2,740	8
Chickasaw.....	8,491	11,400	19,891	2,796	2,110	4,906	1,300	300	1,600	13
Choctaw.....	8,208	2,639	10,847	1,666	445	2,111	1,620	330	1,950	12
Claiborne.....	3,533	10,983	14,516	836	2,155	3,091	850	122	972	5
Clarke.....	7,716	8,110	15,826	1,543	1,356	2,909	1,658	33	1,691	12
Clay.....	5,624	12,983	18,607	1,325	2,547	3,872	1,000	130	1,130	11
Coahoma.....	2,445	16,097	18,342	800	4,169	4,969	650	290	930	14
Copiah.....	14,632	15,601	30,233	3,073	2,884	5,957	2,435	180	2,615	22
Covington.....	5,319	2,980	8,299	1,053	487	1,540	1,152	359	1,511	9
DeSoto.....	6,957	17,226	24,183	1,640	3,547	5,187	1,513	165	1,678	15
Franklin.....	5,484	4,940	10,424	1,171	860	2,057	970	103	1,073	11
Greene.....	2,936	970	3,906	614	188	802	759	75	834	9
Grenada.....	3,896	11,078	14,974	952	2,085	3,037	788	303	1,091	9
Hancock.....	5,770	2,548	8,318	1,296	577	1,873	679	64	743	10
Harrison.....	9,163	3,318	12,481	2,030	735	3,765	1,382	199	1,581	13
Hinds.....	10,892	28,387	39,279	2,700	5,566	8,266	3,324	169	3,493	21
Holmes.....	7,084	23,886	30,970	1,712	4,750	6,462	1,593	421	2,014	18
Issaquena.....	736	11,582	12,318	249	2,720	2,969	169	99	268	7
Itawamba.....	10,723	985	11,708	2,166	173	2,339	1,996	73	2,069	18
Jackson.....	7,814	3,437	11,251	1,688	766	2,454	2,200	400	2,600	16
Jasper.....	7,368	7,417	14,785	1,487	1,256	2,743	1,304	72	1,376	17
Jefferson.....	3,589	15,358	18,947	846	2,810	3,656	996	407	1,403	12
Jones.....	7,082	1,251	8,333	1,346	289	1,635	1,530	108	1,638	16
Kemper.....	7,869	10,092	17,961	1,654	1,751	3,405	1,820	243	2,063	17
Lafayette.....	11,700	8,853	20,553	2,443	1,672	4,115	2,822	418	3,240	16
Lauderdale.....	14,671	14,990	29,661	3,507	2,914	6,421	2,895	386	3,281	27
Lawrence.....	6,240	6,078	12,318	1,246	957	2,203	1,156	478	1,634	13
Leake.....	9,350	5,453	14,803	1,907	973	2,880	2,260	332	2,592	19
Lee.....	12,510	7,520	20,040	2,682	1,422	4,104	1,961	377	2,338	16
Leflore.....	2,597	14,272	16,869	893	3,494	4,387	454	42	496	10
Lincoln.....	10,325	7,587	17,912	2,133	1,412	3,545	1,842	502	2,344	13
Lowndes.....	6,009	21,038	27,047	1,437	4,412	5,849	1,270	98	1,368	8
Madison.....	6,031	21,290	27,321	1,428	3,942	5,370	1,150	125	1,275	11
Marion.....	6,530	3,002	9,532	1,314	542	1,856	1,520	420	1,940	15
Marshall.....	9,731	16,312	26,043	2,170	3,039	5,207	2,067	416	2,483	20
Monroe.....	12,109	18,621	30,730	2,809	3,582	6,391	2,564	270	2,834	18
Montgomery.....	7,448	7,011	14,459	1,660	1,254	2,914	2,005	311	2,316	10
Neahoba.....	8,351	2,795	11,146	1,641	491	2,132	1,648	205	1,853	13
Newton.....	10,119	6,506	16,625	2,096	1,162	3,258	1,898	56	1,954	14
Noxubee.....	4,709	22,629	27,338	1,075	4,312	5,387	988	39	1,027	14

[fol 669] POPULATION 1890, AND REGISTERED VOTE 1896
(continued)

COUNTIES.	White Pop. 1890.	Colored Pop. 1890.	Total Pop. 1890.	White Males Over 21 Years.	Colored Males Over 21 Years.	Total White and Col. Males Over 21.	Registered White Vote 1896.	Registered Colored Vote 1896.	Total Registered Vote 1896.	Voting Precincts.
Oktibbeha.....	5,759	11,935	17,694	1,289	2,141	3,430	1,419	117	1,536	11
Panola.....	9,248	17,729	26,977	2,062	3,442	5,504	2,217	114	2,331	12
Pearl River.....	2,301	656	2,959	478	146	624	432	80	512	11
Perry.....	4,582	1,912	6,494	1,013	410	1,423	1,000	*112	1,112	13
Pike.....	10,581	10,622	21,203	2,390	1,829	4,219	2,282	195	2,477	13
Pontotoc.....	10,585	4,355	14,940	2,201	777	2,978	1,830	247	2,077	13
Prentiss.....	10,833	2,846	13,679	2,227	532	2,759	1,598	155	1,753	9
Quitman.....	894	2,392	3,286	285	587	872	217	142	359	5
Rankin.....	7,507	10,415	17,922	1,639	1,825	3,464	1,689	270	1,959	14
Scott.....	7,000	4,740	11,740	1,438	866	2,304	1,321	261	1,582	15
Sharkey.....	1,223	7,159	8,382	378	1,682	2,060	345	51	398	8
Simpson.....	6,229	3,909	10,138	1,191	663	1,854	1,354	160	1,514	9
Smith.....	8,924	1,711	10,635	1,679	284	1,963	1,883	230	2,113	10
Sunflower.....	2,530	6,854	9,384	712	1,810	2,522	888	96	984	15
Tallahatchie.....	5,154	9,207	14,361	1,161	1,944	3,105	1,540	245	1,785	13
Tate.....	8,495	10,758	19,253	1,853	2,001	3,854	1,723	378	2,101	13
Tippah.....	10,026	2,925	12,951	2,053	500	2,553	1,555	130	1,685	11
Tishomingo.....	8,311	991	9,302	1,716	177	1,893	1,336	49	1,385	10
Tunica.....	1,259	10,899	12,158	437	2,797	3,234	312	167	479	5
Union.....	11,608	3,998	15,606	2,424	716	3,140	1,835	200	2,035	14
Warren.....	8,803	24,361	33,164	2,471	5,552	8,023	1,537	293	1,830	15
Washington.....	4,838	35,576	40,414	1,700	9,103	10,803	1,317	332	1,649	9
Wayne.....	5,799	4,018	9,817	1,154	719	1,873	1,125	175	1,300	17
Webster.....	9,080	2,980	12,060	1,837	513	2,347	1,478	141	1,619	14
Wilkinson.....	3,962	13,630	17,592	928	2,412	3,340	912	117	1,029	15
Winston.....	6,987	5,102	12,089	1,469	857	2,326	1,236	130	1,366	10
Yalobusha.....	7,683	8,946	16,629	1,817	1,721	2,538	1,860	517	2,377	12
Yazoo.....	8,690	27,704	36,394	1,965	5,697	7,662	1,880	66	1,946	17

*—The white and colored registered vote of Perry is estimated, the total vote being 1,112.

RECAPITULATION.

White Population, Census 1890.....	544,851
Colored Population, 1890.....	744,749
Total Population 1890.....	1,289,600
Males.....	649,687
Females.....	639,913
Total Natives.....	1,281,646
Total Foreign.....	7,952
Native White Males Over 21 Years.....	115,771
Foreign White Males Over 21 Years.....	4,841
Native Colored Males Over 21 Years.....	150,469
Total Males Over 21 Years.....	271,080
Total population, 1897, estimated on the basis of increase from 1880 to 1890 (13.96 per cent).....	1,406,553

[fol. 670] Part I Registration Statistics by County

Source: Counts made in Poll Books and Registration Books

January 1, 1954

Judicial Districts	Whites over 21	Whites Registered	%	Negroes over 21	Negroes Registered	%
Northern District						
Delta Division						
# 2 Coahoma	8,409	3,505	42	19,136	699	3.6
# 4 Panola	8,139	4,676	58	8,628	2	.023
# 5 Quitman	5,186	3,160	60.9	7,844	208	2.6
# 8 Tunica	2,251	1,440	64	9,123	3	.033
Greenville Division						
# 11 Leflore	10,331	4,328	42	17,893	243	1.3
# 13 Washington	14,074	5,453	38.8	25,823	1,188	4.6
Western Division (none)						
Eastern Division						
# 32 Lowndes	11,667	4,858	41.6	9,177	30	.33
Southern District						
Western Division						
# 43 Warren	12,756	7,604	60	12,312	1,667	13.5
# 44 Wilkinson	2,626	1,619	61	4,558	32	.7
# 45 Yazoo	8,024	4,236	54	11,126	139	1.2

[fol. 671] Part I Registration Statistics by County

January 1, 1954

Judicial Districts	Whites over 21	Whites Registered	%	Negroes over 21	Negroes Registered	%
Jackson Division						
# 46 Amite	5,162	3,230	63	4,598	2	.04
# 47 Copiah	8,827	4,742	54	7,841	8	.1
# 48 Franklin	3,956	2,807	71	2,294	138	6.3
# 53 Madison	5,606	3,880	69	11,586	279	2.4
# 54 Pike	12,147	5,924	48	7,608	76	.1
Eastern Division						
# 59 Clarke	6,699	3,435	52	3,849	0	0
Hattiesburg Division						
# 67 Covington	5,932	4,973	84	2,354	436	18.5
Southern Division						
# 77 George	4,677	2,746	59	618	12	1.9
Totals	135,469	72,616	53.2%	166,368	5,180	3.1%

[fol. 672] Part II Registration Statistics by County

Source: Estimates from 1955 Primary Election Totals and counts made in Poll Books and Registration Books

January 1, 1954

	Whites over 21	Whites Registered	%	Negroes over 21	Negroes Registered	%
Northern District						
Delta Division						
# 3 De Soto	4,775	2,732	57	8,013	13	.16
# 6 Tallahatchie	6,299	4,569	73	9,235	1	.01
Greenville Division						
(none)						
Western Division						
# 14 Benton	2,780	2,152	77	1,749	40	.4
# 16 Grenada	5,590	5,258	94	4,980	92	1.85
# 18 Marshall	4,406	3,180	72	8,210	14	.17
Eastern Division						
(none)						
Southern District						
Western Division						
# 39 Claiborne	1,929	1,450	75.1	4,728	126	2.7
Jackson Division						
# 49 Hinds	52,015	23,813	45.7	35,021	2,705	7.7
# 50 Holmes	5,569	3,616	64.9	11,468	8	.07
# 51 Leake	7,409	7,238	98	3,835	94	2.45
# 55 Rankin	9,829	5,711	58	7,295	33	.45

[fol. 673] Part II Registration Statistics by County

January 1, 1954

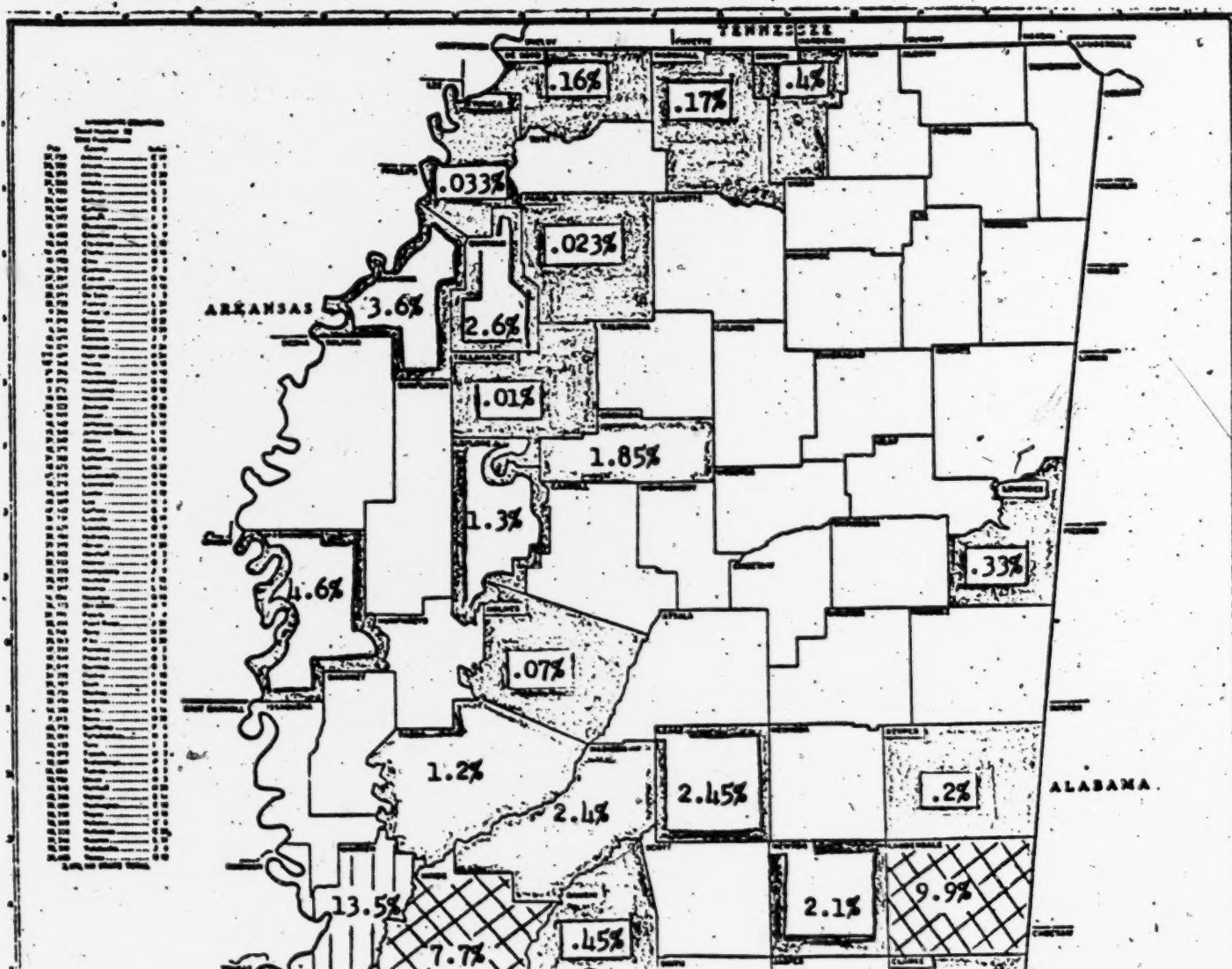
	Whites over 21	Whites Registered	%	Negroes over 21	Negroes Registered	%
Eastern Division						
# 61 Kemper	3,816	3,041	79	4,023	10	.2
# 62 Lauderdale	26,598	11,850	45	12,965	1,282	9.9
# 64 Newton	8,727	4,511	52	3,687	79	2.1
Hattiesburg Division						
# 68 Forrest	19,708	9,123	46	7,406	7	.09
# 69 Greene	3,491	750	21	758	3	.4
# 70 Jefferson Davis	3,847	2,842	74	3,923	891	22
# 72 Lamar	6,115	2,041	33	1,118	0	0
# 74 Marion	9,004	3,147	35	4,103	66	1.6
# 76 Walthall	4,735	3,845	81	3,017	0	0
Southern Division						
(none)						
Total	186,642	100,869	54.0%	135,534	5,464	4.0%

Parts I and II—Registration Statistics by County

Percentage of Negroes Registered

January 1, 1954

(37 of 82 Counties)



[fol. 675] Part I Registration Statistics by County

Source: Counts Made in Poll Books and Registration Books
March 24, 1955

Judicial Districts	Whites over 21	Whites Registered	%	Negroes over 21	Negroes Registered	%
Northern District						
Delta Division						
# 2 Coahoma	8,409	3,929	47	19,136	867	4.5
# 4 Panola	8,139	5,344	66	8,628	2	.02
# 5 Quitman	5,186	3,571	68.8	7,844	318	4
# 8 Tunica	2,251	1,769	78	9,123	29	.32
Greenville Division						
# 11 Leflore	10,331	5,563	54	17,893	400	2.2
# 13 Washington	14,074	6,082	42.5	25,823	1,478	5.7
Western Division						
(None)						
Eastern Division						
# 32 Lowndes	11,667	5,133	44	9,177	151	1.6
Southern District						
Western Division						
# 43 Warren	12,756	8,408	66	12,312	2,088	16.3
# 44 Wilkinson	2,626	1,813	69	4,558	43	.9
# 45 Yazoo	8,024	4,865	60	11,126	208	1.8
[fol. 676]						
Jackson Division						
# 46 Amite	5,162	3,977	77	4,598	2	.04
# 47 Copiah	8,827	5,073	57.5	77,841	23	.29
# 48 Franklin	3,956	3,358	85	2,294	229	10
# 53 Madison	5,606	4,302	77	11,586	476	3.8
# 54 Pike	12,147	6,683	55	7,608	100	.13
Eastern Division						
# 59 Clarke	6,699	3,856	58	3,849	0	0
Hattiesburg Division						
# 67 Covington	5,932	4,973	84	2,354	665	28
Southern Division						
# 77 George	4,677	3,141	67	618	12	1.9
Totals	136,469	81,830	59.9	166,368	7,091	4.3

[fol. 677] Part II Registration Statistics by County

Source: Estimates from 1955 Primary Election Totals and
Counts Made in Poll Books and Registration Books

March 24, 1955

Judicial Districts	Whites over 21	Whites* Registered	%	Negroes over 21	Negroes Registered	%
Northern District						
Delta Division						
#3 DeSoto	4,775	3,210	67	8,013	13	.16
#6 Tallahatchie	6,299	4,569	73	9,235	1	.01
Greenville Division						
(None)						
Western Division						
#14 Benton	2,780	2,266	81	1,749	40	.23
#16 Granada	5,599	3,467	62	4,980	130	2.6
#18 Marshall	4,406	3,403	77	8,210	20	.24
Eastern Division						
(None)						
Southern District						
Western Division						
#39 Claiborne	1,929	1,450	75.1	4,728	140	2.9
Jackson Division						
#49 Hinds	52,015	22,971	44.1	35,021	3,547	10.1
#50 Holmes	5,569	3,616	64.9	14,400	8	.07
#51 Leake	7,409	5,002	68	3,835	185	4.8
#55 Rankin	9,829	5,711	58	7,295	43	.59
[fol. 678]						
Eastern Division						
#6 Kemper	3,816	3,623	95	4,023	25	.6
#62 Lauderdale	26,598	11,850	45	12,965	1,542	12
#64 Newton	8,727	4,874	56	3,687	100	2.7
Hattiesburg Division						
#68 Forrest	19,708	9,123	46	7,406	12	.1
#69 Greene	3,491	3,094	88	758	43	5.7
#70 Jefferson Davis	3,847	2,842	74	3,923	1,246	32
#72 Lamar	6,115	4,385	72	1,118	0	0
#74 Marion	9,004	6,705	74	4,103	312	7.7
Southern Division						
(None)						
Totals	186,642	106,006	56.7	135,534	7,407	5.5

*Total votes cast for all candidates for governor in the First Primary, August, 1955 less the number of registered Negroes.

[fol. 679] Part III Registration Statistics by County

Source: Estimates from Master's Thesis by J. F. Barnes,
University of Mississippi, 1955; for Negro Registration
and 1955 Primary Election Totals

August, 1955

Judicial Districts	Whites over 21	Whites* Registered	%	Negroes over 21	Negroes Registered	%
Northern District						
Delta Division						
# 7 Tate	4,506	3,134	69.5	2,989	0	0
Greenville Division (None)						
Western Division						
# 15 Calhoun	8,122	5,332	65.6	1,893	0	0
# 17 Lafayette	8,957	4,496	50.1	3,844	105	2.7
# 20 Pontotoc	9,608	6,274	65.2	1,847	6	.32
# 21 Tippah	8,037	5,360	66.9	1,603	144	8
# 22 Union	10,008	6,644	66.3	1,904	67	3
# 23 Webster	5,366	4,401	82	1,243	3	.2
# 24 Yalobusha	5,271	3,384	64.2	3,142	9	.3
Eastern Division						
# 25 Alcorn	13,811	8,049	58.2	2,225	78	3.5
# 26 Attala	9,011	5,412	60	5,179	34	.65
# 27 Chickasaw	6,305	4,463	70.7	4,016	0	0
# 28 Choctaw	4,469	3,211	71.8	1,412	19	1.3
# 30 Itawamba	9,298	5,905	63.5	470	42	8.9
# 31 Lee	17,082	10,455	61.2	5,531	97	1.7
[fol. 680]						
# 33 Monroe	13,667	7,645	55.9	6,734	18	.26
# 34 Oktibbeha	8,042	4,406	54.7	5,409	138	2.5
# 35 Prentiss	10,103	6,367	63	1,170	18	1.5
# 36 Tishomingo	8,492	4,980	58.6	463	17	.4
# 37 Winston	7,561	4,994	66	4,162	30	.7
Southern District						
Western Division						
# 38 Adams	10,097	4,974	49.2	9,338	641	6.8
# 40 Issaquena	800	665	83.1	1,790	0	0
# 41 Jefferson	1,901	1,675	88.1	4,304	0	0
# 42 Sharkey	2,124	1,602	75.4	4,533	1	.02
Jackson Division						
# 52 Lincoln	11,087	7,425	66.9	4,507	516	11.4
# 56 Scott	7,247	5,293	73	4,329	15	.34
# 57 Simpson	8,486	6,083	71.6	3,351	61	.18
# 58 Smith	7,363	5,778	78.4	1,400	6	.4
Eastern Division						
# 60 Jasper	5,470	4,228	77.2	4,313	9	.2
# 63 Neshoba	10,810	6,975	64.5	2,984	8	.26
# 65 Noxubee	3,134	2,426	77.4	6,764	0	0
# 66 Wayne	5,854	4,530	77.3	2,857	0	0

*Total votes cast for candidates for governor in the First Primary, August 1955, less the number of registered Negroes.

[fol. 681]

Judicial Districts	Whites over 21	Whites Registered	%	Negroes over 21	Negroes Registered	%
Hattiesburg Division						
#71 Jones	24,617	12,506	50.8	8,046	871	10.8
#73 Lawrence	4,425	3,409	77	2,229	268	12.
#75 Perry	3,707	2,908	78.4	1,136	58	5.1
Southern Division						
#78 Hancock	5,769	5,128	88.8	1,131	449	39.6
#79 Harrison	42,170	16,695	39.5	7,858	1,569	19.9
#80 Jackson	14,178	8,162	57.5	3,752	900	23.9
#81 Pearl River	9,084	6,511	71.6	2,454	0	0
#82 Stone	2,799	2,315	82.7	746	25	3.
Totals	348,838	214,200	61.4	133,057	6,222	4.7

[fol. 682] Part IV Registration Statistics by County

Source: Estimates from 1955 Primary Election Totals and Interviews of Registrars and Deputy Registrars by Federal Bureau of Investigation in September 1955.

Judicial Districts	Whites over 21	Whites Registered	%	Negroes over 21	Negroes Registered	%
Northern District						
Delta Division						
#1 Bolivar	11,144	4,266	38.2	21,705	511	2.3
Greenville Division						
#9 Carroll	3,880	2,887	74.4	3,958	1	.025
#10 Humphries	3,806	2,466	64.7	7,712	38	.49
#12 Sunflower	10,037	4,352	43.4	18,949	181	.95
Western Division						
#19 Montgomery	5,039	4,050	80.3	2,978	10	.34
Eastern Division						
#29 Clay	4,784	3,521	73.5	4,922	12	.24
Total	38,690	21,542	55.7	60,224	753	1.3

[fol. 683]

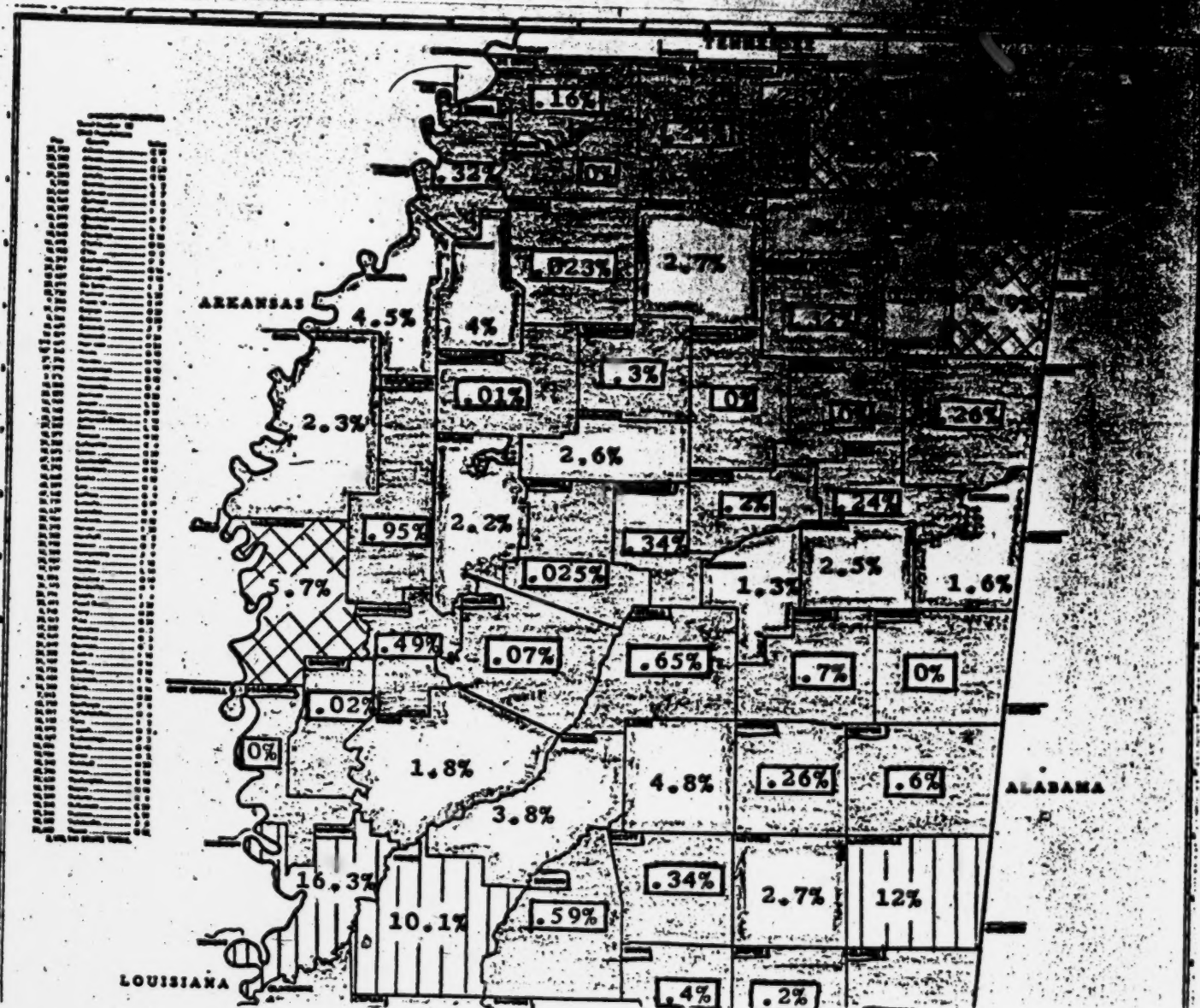
State Wide Statistics

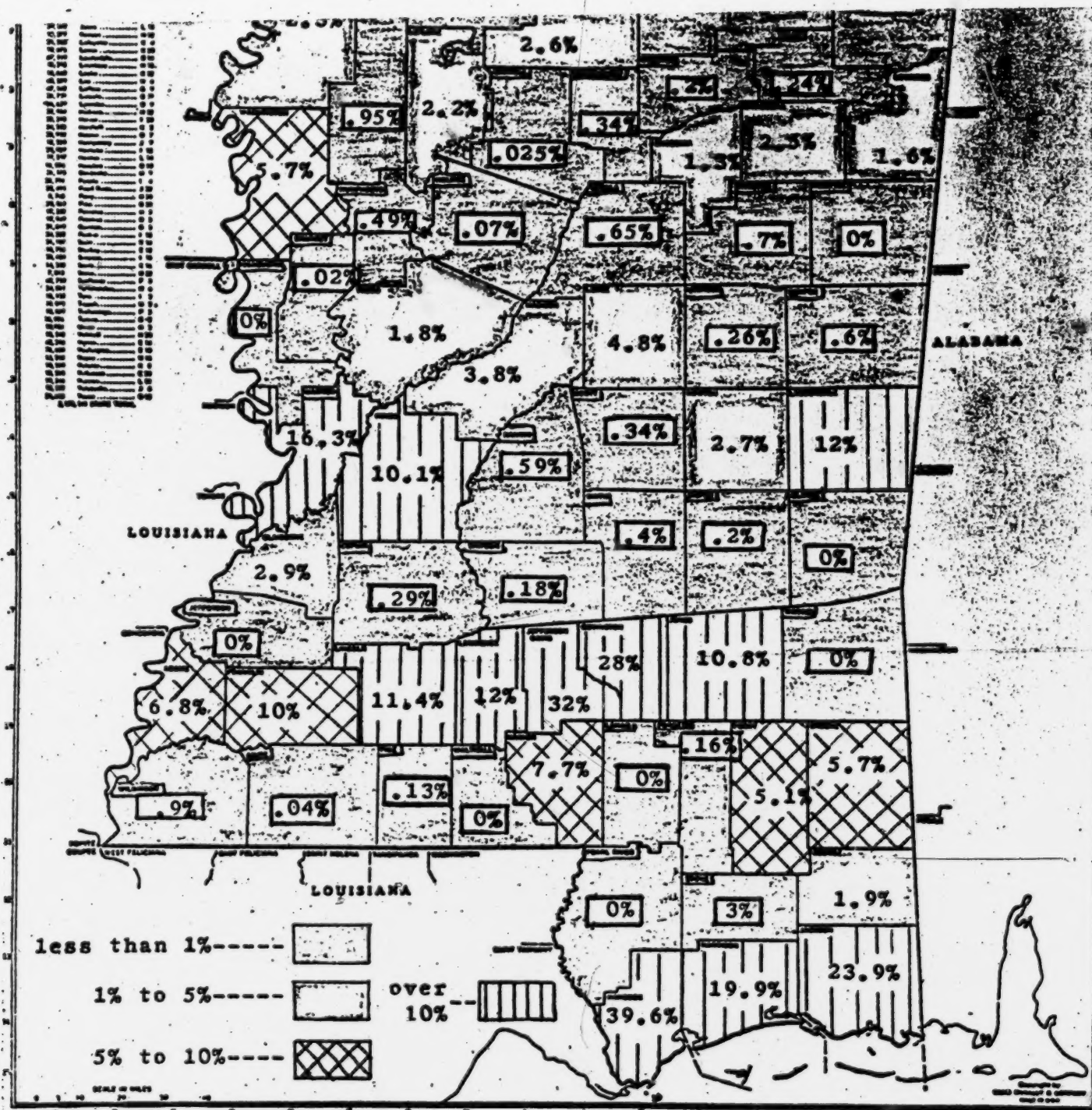
1955

Total whites over 21	710,639
Total whites registered	423,456
%	59.6%
Total Negroes over 21	495,183
Total Negroes registered	21,502
%	4.3%

[fol. 684]

Parts I Through IV—Registration Statistics by County
Percentage of Negroes Registered
March 24, 1955





R-54-15

684

405

[fol. 685] Part I Registration Statistics by County

Source: Counts made in Poll Books and Registration Books

January 1, 1960

County	Whites over 21	Whites Registered	%	Negroes over 21	Negroes Registered	%
Northern District						
Delta Division						
#2 Coahoma	8,708	5,033	57	14,004	980	7
#4 Panola	7,639	4,755	62	7,250	1	.014
#5 Quitman	4,176	3,574	85.5	5,673	395	6.9
#8 Tunica	2,011	2,253	100	5,822	40	.69
Greenville Division						
#11 Leflore	10,274	6,925	68	13,567	269	2
#13 Washington	19,837	9,847	49	20,619	1,547	7.5
Western Division						
#18 Marshall	4,342	4,030	93	7,168	23	.32
Eastern Division						
#32 Lowndes	16,460	7,181	43.6	8,362	67	.8
Southern District						
Western Division						
#39 Claiborne	1,688	1,440	85.3	3,969	15	.37
#44 Wilkinson	2,330	2,246	96.0	4,420	53	1.3
#45 Yazoo	7,598	6,274	83.0	8,719	256	2.9
Jackson Division						
#46 Amite	4,449	3,600	81.0	3,560	1	.028
#47 Grenada	8,153	6,600	81.0	6,407	20	.31
[fol. 686]						
#48 Franklin	3,403	3,528	100	1,842	234	12.7
#53 Madison	5,622	4,568	81	10,366	120	1.1
#55 Rankin	13,246	10,000	75	6,944	66	.95
Eastern Division						
#59 Clarke	6,072	4,611	77	2,998	0	0
#64 Newton	8,014	5,003	62	3,018	103	2.8
Hattiesburg Division						
#74 Marion	8,997	8,435	95	3,630	339	9.3
#76 Walthall	4,736	3,903	83	2,490	0	0
Total	147,765	103,806	70.2	140,528	4,485	3.2

[fol. 687] Part II Registration Statistics by County

Source: Estimates From 1959 Primary Election Totals and
Counts Made in Poll Books and Registration Books

January 1, 1960

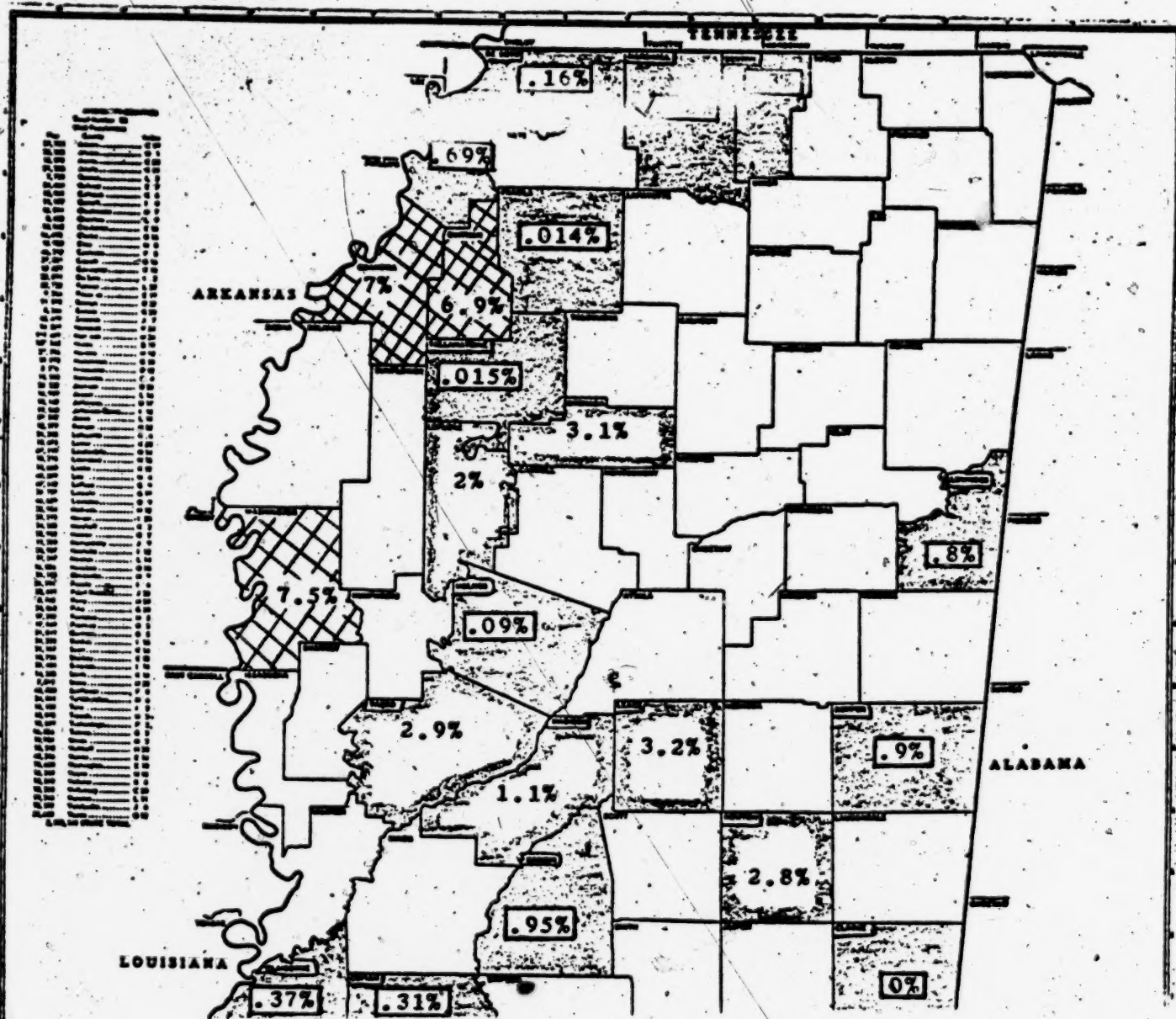
County	Whites over 21	Whites Registered	%	Negroes over 21	Negroes Registered	%
Northern District						
Delta Division						
#3 DeSoto	5,338	3,545	66	6,246	10	.16
#6 Tallahatchie	5,099	4,334	85	6,483	1	.01
Greenville Division						
(None)						
Western Division						
#14 Benton	2,514	2,009	80	1,419	42	.3
#16 Grenada	5,792	4,755	83	4,323	134	3.1
Eastern Division						
(None)						
Southern District						
Western Division						
(None)						
Jackson Division						
#50 Holmes	4,773	3,530	74	8,757	8	.09
#51 Leake	6,754	4,945	73	3,397	108	3.2
Eastern Division						
#61 Kemper	3,113	3,213	100	3,221	29	.9
[fol. 688]						
Hattiesburg Division						
#67 Covington	5,329	3,640	68	2,032	687	34
#68 Forrest	22,431	10,385	46	7,495	12	
#69 Greene	3,518	3,154	90	859	46	5.
#70 Jefferson Davis	3,629	3,085	85	3,222	63	1
#72 Lamar	6,489	4,684	76	1,071	0	0
Southern Division						
#77 George	5,276	3,678	70	580	7	1
Total	880,005	54,957	68.6	49,105	1,147	2

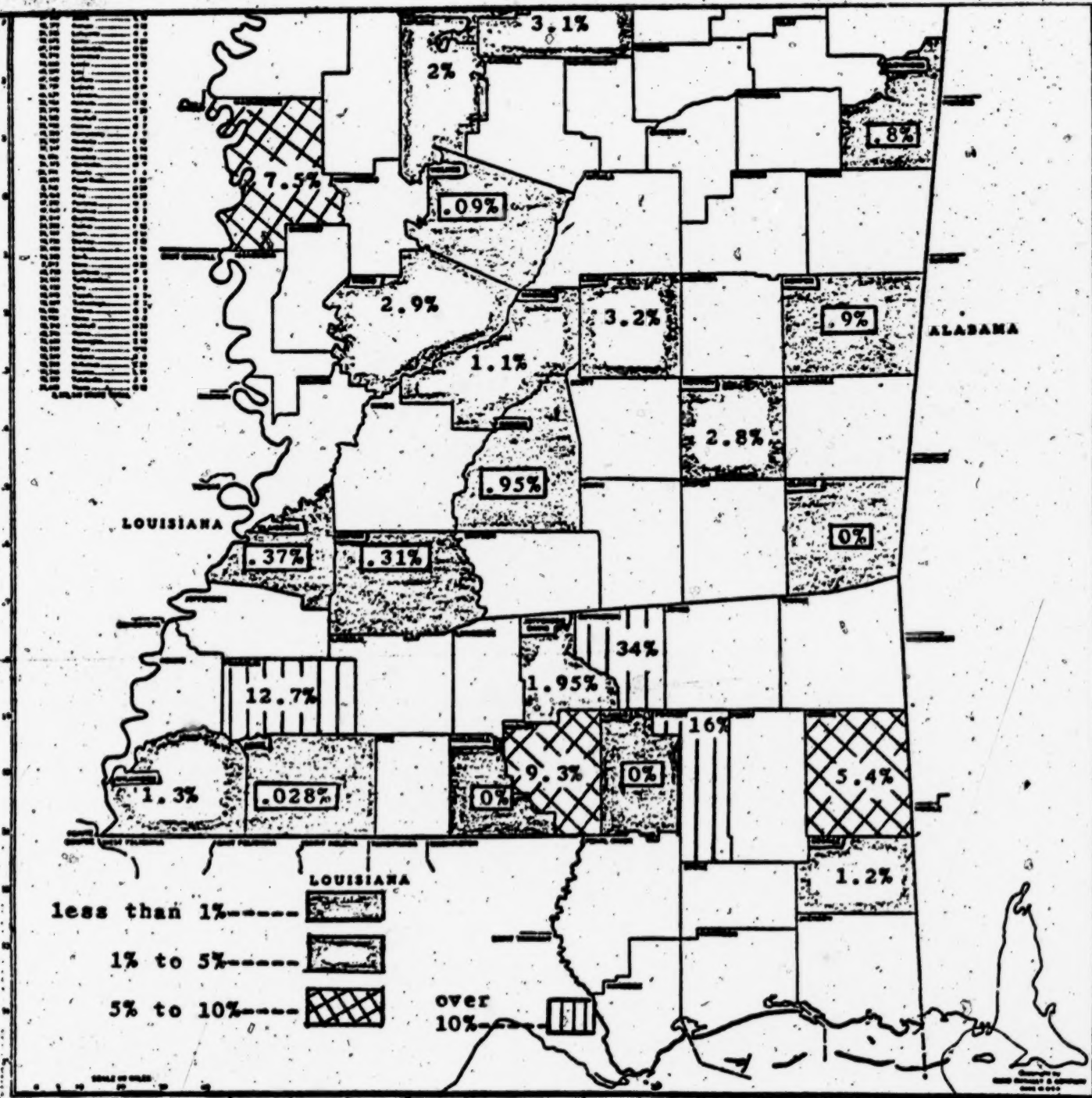
Parts I and II—Registration Statistics by County

Percentage of Negroes Registered

January 1, 1960

(33 of 82 Counties)





[fol. 690] Part I Registration Statistics by County

Source: Counts made in Poll Books and Registration Books

June 1, 1962

County	Whites over 21	Whites Registered	%	Negroes over 21	Negroes Registered	%
Northern District						
Delta Division						
# 2 Coahoma	8,708	6,380	73	14,004	1,061	7.6
# 4 Panola	7,639	5,309	69	7,250	2	.028
# 5 Quitman	4,176	2,991	71.6	5,673	436	6.6
# 8 Tunica	2,011	1,436	71	5,822	42	.72
Greenville Division						
# 11 Leflore	10,274	7,168	70	13,657	268	2
# 13 Washington	19,837	10,838	54.5	20,619	1,762	8.6
Western Division						
# 18 Marshall	4,342	4,162	96	7,168	57	.8
Eastern Division						
# 32 Lowndes	16,460	8,312	50.5	8,362	95	1.1
Southern District						
Western Division						
# 39 Claiborne	1,688	1,440	85.3	3,969	15	.37
# 44 Wilkinson	2,340	2,438	100.0	4,120	60	1.5
# 45 Yazoo	7,598	7,130	93.0	8,719	256	2.9
Jackson Division						
# 46 Amite	4,449	3,532	80.0	3,560	1	.028
# 47 Copiah	8,153	7,533	92.0	6,407	25	.39
[fol. 691]						
# 48 Franklin	3,403	3,731	100	1,842	236	12.8
# 49 Hinds	67,836	56,363	80	36,138	4,756	13.2
# 53 Madison	5,622	5,458	97	10,366	121	1.1
# 55 Rankin	13,246	12,000	90	6,944	94	1.35
Eastern Division						
# 59 Clarke	6,072	5,000	83	2,998	1	.03
# 64 Newton	8,014	5,700	71	3,018	104	2.8
Hattiesburg Division						
# 74 Marion	8,997	9,540	100	3,630	363	10
# 76 Walthall	4,736	4,219	89	2,490	2	.08
Totals	215,593	170,680	79.2	176,666	9,757	5.5

[fol. 692] Part II Registration Statistics by County

Source: Estimates from 1959 Primary Election Totals and
Counts Made in Poll Books and Registration Books

June 1, 1962

County	Whites over 21	Whites Registered	%	Negroes over 21	Negroes Registered	%
Northern District						
Delta Division						
# 3 DeSoto	5,338	4,030	75	6,246	11	.18
# 6 Tallahatchie	5,099	4,330	85	6,483	5	.07
Greenville Division						
(None)						
Western Division						
# 14 Benton	2,514	2,078	82.5	1,419	30	.21
# 16 Grenada	5,792	5,518	95	4,323	135	3.1
Eastern Division						
(None)						
Southern District						
Western Division						
(None)						
Jackson Division						
# 50 Holmes	4,773	3,530	74	8,757	8	.09
# 51 Leake	6,754	5,927	88	3,397	116	3.4
[fol. 693]						
Eastern Division						
# 61 Kemper	3,113	3,224	100	3,221	30	.9
Hattiesburg Division						
# 67 Covington	5,329	3,991	75	7,032	202	3.5
# 68 Forrest	22,431	12,655	57	7,495	22	.3
# 69 Greene	3,518	3,000	85	859	43	.5
# 70 Jefferson Davis	3,629	3,600	99	3,222	76	2.3
# 72 Lamar	6,489	5,593	91	1,071	0	0
Southern Division						
# 77 George	5,276	3,510	67	580	10	1.7
Total	80,055	60,986	76.2%	54,104	688	1.2

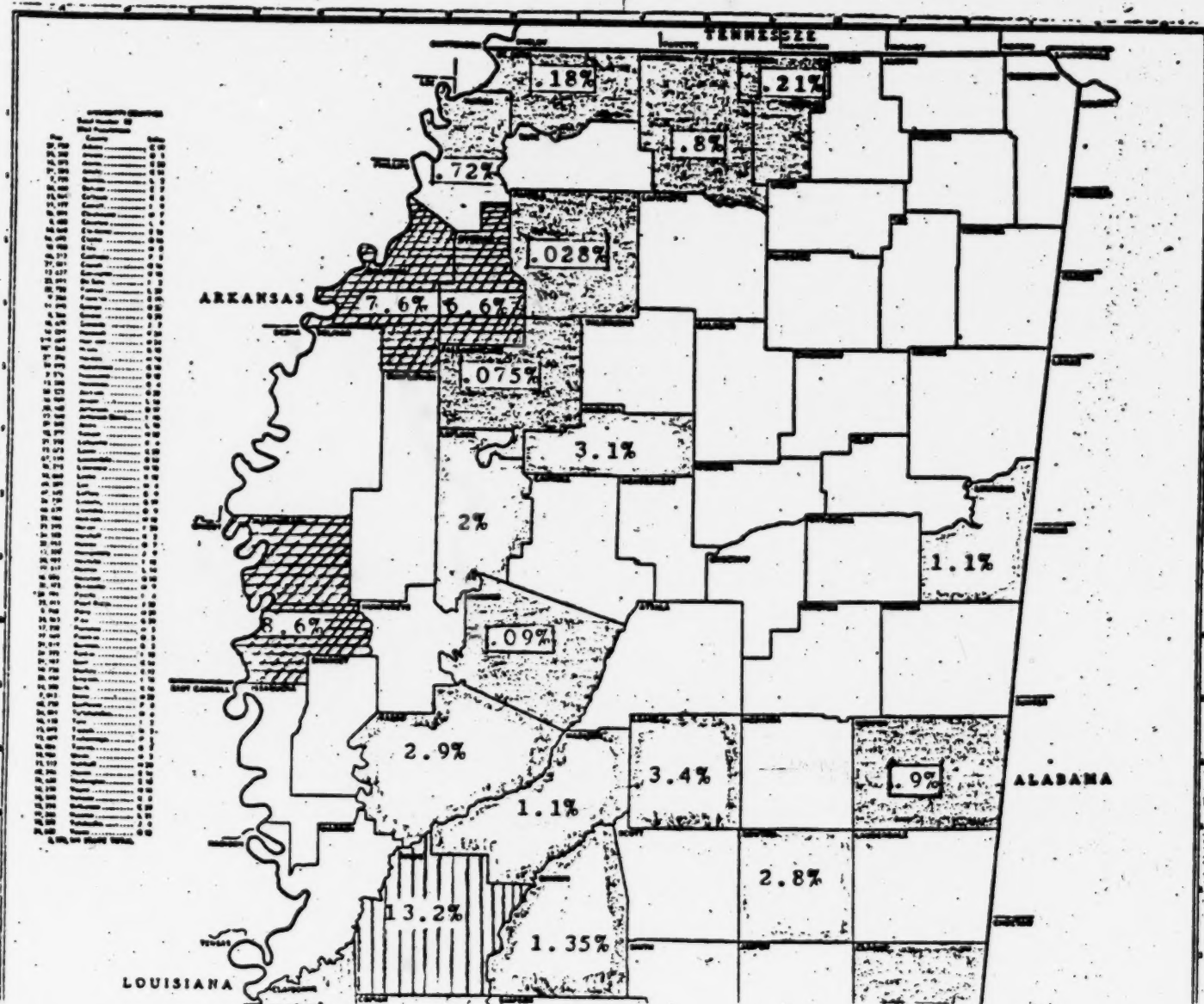
[fol. 694]

Parts I and II—Registration Statistics by County

Percentage of Negroes Registered

June 1, 1962

(34 of 82 Counties)



[fol. 695]

Coahoma #2

Date Current Registration Began:

, 1949

	Whites Over 21	Whites Reg'd	%	Negroes Over 21	Negroes Reg'd	%
Jan. 1, 1890	2,445			16,097		
Jan. 1, 1899	990	876	89%	6,388	240	3.8%
Jan. 1, 1954	8,409	3,505	42%	19,136	699	3.6%
Mar. 24, 1955	8,409	3,929	47%	19,136	867	4.5%
Jan. 1, 1960	8,708	5,033	57%	14,004	980	7%
June 1, 1962	8,708	6,380	73%	14,004	1,061	7.6%

Total Votes Cast in First Gubernatorial Primary

1951	4,101	1959	4,634
1955	8,207	1963	5,294

Source and Explanation of Registration Statistics

Race Identification

The current registration books, current poll books, poll tax payers lists and poll tax receipts indicate the race of all persons.

January 1, 1954

Negroes: 699

Source: Current Registration Books

Explanation: All Negroes registered prior to January 1, 1954 were counted. The total includes 149 Negroes from the Friar's Point Precinct. The figures for 1955, 1960 and 1962 include these 149. Only 44 of these 149 voted in the

June 5, 1962 election.

[fol. 696] Whites: 3,505

Source: Current Registration Books

Explanation: All whites registered prior to January 1, 1954 were counted. The total excludes whites whose names are crossed out. (Current registration books started in 1949.)

March 24, 1955

Negroes: 867

Source: Current Registration Books

Explanation: All Negroes registered prior to March 24, 1955 were counted. The total excludes Negroes whose names are crossed out in the books.

Whites: 3,929

Source: Current Registration Books

Explanation: All whites registered prior to March 24, 1955 were counted. The total excludes whites whose names are crossed out in the books.

January 1, 1960

Negroes: 980

Source: Current Registration Books and Accepted Application Forms

Explanation: The total number of accepted applications filed by Negroes between March 14, 1955 and January 1, 1960 was added to the registration book figure for March 24, 1955. Race is not shown on these application forms. The race of all applicants was identified by cross checking in the registration books, poll books, poll tax payers lists, and poll tax receipts.

Whites: 5,033

Source: Current Registration Books and Accepted Application Forms

Explanation: The total number of accepted applications filed by whites between March 24, 1955 and January 1, 1960 was added to the registration book figure for March 24, 1955. Race is not shown on the application forms. Race was identified by cross checking in the registration books, poll books, poll tax payers lists and poll tax receipts.

[fol. 697] June 1, 1962

Negroes: 1,061

Source: Current Registration Books and Accepted Application Forms

Explanation: The total number of accepted applications filed by Negroes between January 1, 1960 and June 1, 1962 was added to the January 1, 1960 figure for Negro registration. It is doubtful that 1,061 Negroes were, in fact, registered. Only 320 Negroes voted in the June 5, 1962 election. The explanation for this is that some of the Negroes registered in 1955 had died or moved.

Whites: 6,380

Source: Current Registration Books and Accepted Application Forms

Explanation: The total number of accepted applications filed by whites between January 1, 1960 and June 1, 1962 was added to the January 1, 1960 figure for white registration. The total also includes 612 people who transferred into Coahoma County from other counties between 1955 and July 1962. Race is not shown on the transfer certificates. We infer from the meagerness of Negro registration in other Mississippi counties that nearly all these transfers are white. This can be established conclusively from the records. None of the 612 was included in the January 1, 1960 total as the transfer certificates do not show date of transfer.

General Information

Name of Present Registrar: J. W. Smith

Date Present Registrar Took Office: January 1, 1948

Dates Records Were Photographed:

July and December 1962

Description of Records Photographed:

Current Registration Books for Period: 1949 to 1962

Current Poll Books for Period: 1949 to 1962

Old Registration Books: None

Old Poll Books: None

Application Forms:**Number Made Available:**

1,839 accepted applications of white persons
 194 accepted applications of Negroes
 223 rejected applications (Mostly Negroes)

[fol. 698] **Application Forms:****Period of Time They Cover:**

March 24, 1955 to June 1, 1962

[fol. 699] **De Soto #3****Date Current Registration Began:**

	Whites Over 21	Whites Reg'd	%	Negroes Over 21	Negroes Reg'd	%
Jan. 1, 1890	1,640			3,547		
Jan. 1, 1899	1,935	1,909	99%	4,001	212	5.3%
Jan. 1, 1954	4,775	2,732	57%	8,013	13	.16%
Mar. 24, 1955	4,775	3,210	67%	8,013	13	.16%
Jan. 1, 1960	5,338	3,545	66%	6,246	10	.16%
June 1, 1962	5,338	4,030	75%	6,246	11	.18%

Total Votes Cast in First Gubernatorial Primary

1951	3,187	1959	3,555
1955	3,223	1963	(incomplete)

Source and Explanation of Registration Statistics**Race Identification**

The current registration books indicate race of all electors through March, 1955.

January 1, 1954

Negro: 13)

Source: Current Registration Book

Explanation: All Negroes registered prior to January 1, 1954 were counted. Of a total of 19 counted, thirteen were 80 years old or less as of January 1, 1954. Since there is no indication of systematic or accurate elimination from the [fol. 700] registration rolls for death or transfer and none of the Negroes registered were shown on the poll books, those Negroes over 80 years old were not included in this total.

Whites: 2,732

Source: Current Poll Books

Explanation: All persons registered prior to January 1, 1954 were counted except those persons whose names were crossed out. Current poll books were used rather than current registration books which had not been systematically or accurately purged for death or transfer.

March 24, 1955

Negro: 13

Source: Current Registration Books

Explanation: The total number of Negro persons registered as of March 24, 1955 was obtained by subtracting from the 13 Negroes registered as of January 1, 1954 W. M. Richmond who became 80 in 1955 and adding S. R. Williams who registered on February 24, 1954. Since there is no indication of systematic or accurate elimination from the registration rolls for death or transfer and only one Negro person who registered prior to March 24, 1955 appears in the current poll books, those Negro persons over 80 years old were not included in this total.

White: 3,210

Source: Current Registration Books; 1955 Primary Election Figures

Explanation: The minimum number of white persons registered was estimated by subtracting the total number of Negro persons registered on March 24, 1955 from the total number of votes cast for Governor in the first primary in August 1955.

January 1, 1960

Negro: 10

Source: Current Registration Books

Explanation: The total number of Negro persons registered as of January 1, 1960 is reduced from thirteen to ten by the attainment by three of the Negroes registered as of March 24, 1955 of an age greater than 80 years. From investigation in this county by Department attorneys,

it is plaintiff's belief that no additional Negroes were registered between March 24, 1955 and January 1, 1960.

Whites: 3,545

Source: 1959 Primary Election Figures and Current Registration Books.

Explanation: The minimum number of white persons registered was estimated by subtracting the total number of Negro persons registered on January 1, 1960 from the total number of votes cast for Governor in the first primary in August 1959.

June 6, 1962

Negro: 11

Source: Current Registration Books

Explanation: The total number of Negro persons registered as of January 1, 1960 is increased from ten to eleven as of June 1, 1962 by the addition of Willie J. Plunkett, registered from Nesbitt precinct on January 23, 1962, and Hiram Baptist, registered from Nesbitt precinct on May 22, 1962 and by elimination of one Negro of the original 13 registered as of March 24, 1955, as having become over 80 years of age.*

White: 4,030

Source: Current Poll Books, Primary Election Figures

Explanation: The total number of white persons registered was obtained by counting from the current poll books all persons who registered between January 1, 1960 and June 1, 1962 and whose names were not crossed out, and adding this total of 486 persons to the total votes cast for Governor in the first primary in August 1959. From this total, 4041, was subtracted the 11 Negro persons registered as of June 1, 1962.

* One Negro, James H. Berry, who registered on December 19, 1936, when he was 46, applied unsuccessfully to register on September 8, 1960, when he was 71.

General Information

Name of Present Registrar: Richard Davis
 Date Present Registrar Took Office: January, 1956
 Date Records Were Photographed: May 23, 1963
 [fol. 702] Description of Records Photographed:

Current Registration Books for Period:

1930 to date of photographing

Current Poll Books for Period: 1959 to date

Old Registration Books: None

Old Poll Books: None

Application Forms :

Number Made Available: 630

Period of Time They Cover:

September 1, 1961 to April 13, 1963

[fol. 703]

Panola #4

Date Current Registration Began: , 1932

	Whites Over 21	Whites Reg'd	%	Negroes Over 21	Negroes Reg'd	%
Jan. 1, 1890	2,060			3,442		
Jan. 1, 1899	2,253	2,751	100%	4,059	385	9.5%
Jan. 1, 1954	8,139	4,676	58%	8,628	2	.023%
Mar. 24, 1955	8,139	5,344	66%	8,628	2	.023%
Jan. 1, 1960	7,639	4,755	62%	7,250	1	.014%
June 1, 1962	7,639	5,309	69%	7,250	2	.028%

Total Votes Cast in First Gubernatorial Primary

1951	4,604	1959	5,008
1956	4,897	1963	4,856

Source and Explanation of Registration Statistics

Race Identification

Source: Current Poll Books

The old registration and old poll books indicate race of all registrants. Race was also identified from defendant's answer to plaintiff's Request for Admission, U. S. v. Duke, C.A. D-C-45-61 (Tr. 15) (1963), and stipulation between the parties at the time of trial, U.S. v. Duke, C.A. D-C-45-61 (Tr. 16) (1963).

January 1, 1954**Negroes: 2****Source: Old Registration Books, Current and 1955 Poll Books**

Explanation: The two Negro persons registered as of January 1, 1954 were R. H. Hightower, West Sardis, listed in the current poll books as registered in 1892, and E. H. Holloway, listed in the current registration book as registered January 5, 1952 and also listed in the 1955 poll book, and who at the time of trial in U.S. v. Duke, ... F. Supp. ... (N.D. Miss., 1963), was established as dead, (Tr. 214, 386).

[fol. 704] Whites: 4676**Source: 1955 Poll Books**

Explanation: All white persons registered prior to January 1, 1954 were counted. The total includes 796 white persons registered prior to January 1, 1954 whose names are crossed out.

March 24, 1955**Negroes: 2****Source: Old Registration Books and Current and 1955 Poll Book**

Explanation: The two Negro persons registered as of January 1, 1954 were R. H. Hightower, West Sardis, listed in the current poll books as registered in 1892 and E. H. Holloway, listed in the current West Sardis registration book as registered on January 5, 1952 and also listed in the 1955 poll book, and who at the time of trial in U.S. v. Duke, ... F. Supp. ... (N.D. Miss., 1963), was established as dead, (Tr. 214, 386).

Whites: 5344**Source: 1955 Poll Books**

Explanation: All Whites registered prior to March 24, 1955 were counted. The total includes 1059 white persons registered prior to March 24, 1955 whose names are crossed out.

January 1, 1960

Negroes: 1

Source: Current Poll Books, U.S. v. Duke, (Tr. 214, 386)

Explanation: The one Negro registered is R. H. Hightower, supra; E. H. Holloway is excluded as having died (U.S. v. Duke, Tr. 214,386) and having been dropped from the current poll book prior to January 1, 1960.

Whites: 4,755

Source: Current Poll Books

Explanation: The total number of white persons registered was obtained by counting all persons shown as registered prior to January 1, 1960 and subtracting the one known Negro from this total.

June 1, 1962

Negroes: 2

Source: Current Registration and Poll Books, and U.S. v. Duke, C.A. D-C-45-61

Explanation: The two Negroes are R. H. Hightower, West Sardis, registered in 1892, and Houston Potts, Jr., registered on April 23, 1962. Both appear in the current poll books and were identified as Negroes. (U.S. v. Duke, C.A. D-C-45-61).

[fol. 705] Whites: 5,309

Source: Current Poll Books

Explanation: Total number of white persons registered was obtained from the current poll books by counting the total number of persons registered prior to June 1, 1962 and subtracting from this total the two-known Negroes.

General Information

Name of Present Registrar: Elsie Duke

Date Present Registrar Took Office: January, 1932

Dates Records Were Photographed: January 28-30, 1963

Description of Records Photographed:

Current Registration Books for Period

1954 to date of photographing

Current Poll Books for Period: 1959-1962

Old Registration Books: 1892-1954—Some Precincts

Old Poll Books: 1879-1959, intermittently.

Application Forms:

Number Made Available: 242

Period in Time They Cover:

January 27, 1961 thru January 26, 1963.

[fol. 706]

Quitman #5

Date Current Registration Began:

, 1950

	Whites Over 21	Whites Reg'd	%	Negroes Over 21	Negroes Reg'd	%
Jan. 1, 1890	285			587		
Jan. 1, 1899	366	319	87.5%	1,059	130	12.2%
Jan. 1, 1954	5,186	3,160	60.9%	7,844	208	2.6%
Mar. 24, 1955	5,186	3,571	68.8%	7,844	318	4.0%
Jan. 1, 1960	4,176	3,574	85.5%	5,673	395	6.9%
June 1, 1962	4,176	2,991	71.6%	5,673	436	6.6%

Total Votes Cast in First Gubernatorial Primary

1951	3,079	1959	2,971
1955	3,057	1963	3,213

Source and Explanation of Registration Statistics

Race Identification

The current registration books indicates the race of all electors.

January 1, 1954

Negroes: 208

Source: Current Registration Books

Explanation: All Negroes registered prior to January 1, 1954 were counted. The total excludes 2 Negroes registered prior to January 1, 1954 whose names are crossed out. The current registration books were used instead of poll books in order to obtain the maximum number of Negroes registered.

Whites: 3,160

Source: 1950-1955 Poll Books

[fol. 707] January 1, 1954

Explanation: All whites registered prior to January 1, 1954 were counted. The total excludes 588 whites whose names are crossed out. The poll books were used rather than the registration books in order to obtain the maximum number of white persons registered.

March 24, 1955

Negroes: 318

Source: Current Registration Books

Explanation: All Negroes registered prior to March 24, 1955 were counted. The total excludes 7 Negroes registered prior to March 24, 1955 whose names are crossed out.

Whites: 3,571

Source: 1950-1955 Poll Books

Explanation: All white persons registered prior to March 24, 1955 were counted. The total excludes 618 white persons whose names are crossed out.

January 1, 1960

Negroes: 395

Source: Current Registration Books

Explanation: All Negroes registered prior to January 1, 1960 were counted. The total excludes 7 Negroes registered prior to January 1, 1960 whose names are crossed out.

Whites: 3,574

Source: 1955-1960 Poll Books

Explanation: All whites registered prior to January 1, 1960 were counted. The total excludes 2,086 whites registered prior to January 1, 1960 whose names are crossed out.

June 1, 1962

Negroes: 436

Source: Current Registration Books

Explanation: All Negroes registered prior to June 1, 1962 were counted. The total excludes 7 Negroes whose names are crossed out.

Whites: 2,991

Source: 1960-1963 Poll Books

Explanation: All whites registered prior to June 1, 1962 were counted. The total excludes 2,486 whites whose names are crossed out.

Note: Poll books were used in counting white persons for all dates because the figures they yield are more reliable than those the registration books yield. There are new poll books for each of the periods 1950-1955, 1955-1960 and [fol. 708] 1960-1963 so that these books constitute an extremely reliable source, more or less fully purged as regards deaths, leaving the county, etc. For registrations in the period when each of the poll books was current, the registration books for the particular period seem (on the basis of checks in randomly-selected precincts) to show the same registrants.

General Information

Name of Present Registrar:

Jesse Evenson (incapacitated; wife Mrs. Marie Evenson has assumed his responsibility as of June 30, 1962.)

Date Present Registrar Took Office: 1952

Date Records Were Examined: May 28-29, 1963

Description of Records Examined:

Current Registration Books for Period: 1950 to date

Current Primary Poll Books for Period: 1951 to 1963

Old Registration Books for Period: 1877-1950

Old Poll Books for Period: None
Application Forms:

Number Made Available: 452

Period of Time They Cover:

January 1961-April 1963 (One application
form dated March 24, 1955.)

[fol. 709]

Tallahatchie #6

Date Current Registration Began: , 1939

	Whites Over 21	Whites Reg'd	%	Negroes Over 21	Negroes Reg'd	%
Jan. 1, 1890	1,161			1,944		
Jan. 1, 1899	1,501	1,540	100%	3,045	245	8%
Jan. 1, 1954	6,290	4,569	73%	9,235	1	.01%
Mar. 24, 1955	6,299	4,569	73%	9,235	1	.01%
Jan. 1, 1960	5,099	4,334	85%	6,483	1	.015%
June 1, 1962	5,099	4,330	85%	6,483	5	.075%

Total Votes Cast in First Gubernatorial Primary

1951	4,579	1959	4,334
1955	4,570	1963	(Incomplete)

Source and Explanation of Registration Statistics

Race Identification

In order to establish the race of those persons whose race is not identified in the books, the FBI, in March 1963 was furnished a list, compiled from the current registration books, of 1,180 names of persons registered in Tallahatchie County but not identified by race. It was established in this investigation that of these 1,180 persons, 1,162 were white and 3 others were Negro. The remaining 15 could not be identified as to race. The 3 registered persons identified as Negroes are all known through investigation in the county by attorneys of the plaintiff to be Negroes and were all known to have registered on April 23, 1963.

January 1, 1954

Negroes: 1

Source: Current Registration Books

[fols. 710-711] **Explanation:** One Negro, registered on October 27, 1948, appears in the current registration books (Robert L. Ronson, Sumner precinct). He is the only Negro shown in the books as registered prior to January 1, 1954 and he is also included in the figures for 1955, 1960, and 1962.

Whites: 4,569

Source: 1955 Primary Election Figures and Current Registration Books

Explanation: The minimum number of white persons registered was obtained by subtracting from the total number of votes cast in the first Gubernatorial primary in August 1955, the one Negro registered on January 1, 1954.

March 24, 1955

Negroes: 1

Source: Current Registration Books

Explanation: The one Negro registered prior to March 24, 1955 was Robert L. Ronson.

Whites: 4,569

Source: 1955 Primary Election Figures and Current Registration Books

Explanation: The minimum number of white persons registered was obtained by subtracting from the total number of votes cast in the first Gubernatorial primary in August 1955, the one Negro registered on August 1, 1955.

January 1, 1960

Negroes: 1

Source: Current Registration Books

Explanation: The one Negro registered prior to March 24, 1955 was Robert L. Ronson.

Whites: 4,334

Source: 1955 Primary Election Figures and Current Registration Books

Explanation: The minimum number of white persons registered was obtained by subtracting the one Negro registered prior to August 1959 from the total number of votes cast for candidates for Governor in Tallahatchie County in the first primary in August 1959.

[fol. 712] June 1, 1962

Negroes: 5

Source: Current Registration Books

Explanation: All Negroes registered prior to June 1, 1962 were counted. The total includes 4 Negroes on the books registered on April 23, 1962, known through investigation by the Government to be Negroes, and Robert L. Ronson, registered on October 27, 1948.

Whites: 4,334

Source: 1955 Primary Election Figures and Current Registration Books

Explanation: The minimum number of white persons registered was obtained by subtracting the one Negro registered prior to January 1, 1954 and four other Negroes registered on April 23, 1962 from the total number of votes cast for candidates for Governor in Tallahatchie County in the first primary in August 1959.

General Information

Name of Present Registrar: Tom E. Harris

Date Present Registrar Took Office: January 1960

Dates Records Were Photographed:

December 1961 and August 23, 1962

Description of Records Photographed:

Current Registration Books for Period:

1939 to date of photographing

Current Poll Books for Period: 1947-1960

Old Registration Books for Period: None

Old Poll Books for Period: 1939-1947 (Intermittently)

Application Forms:**Number Made Available: 76****Period of Time They Cover:****June 1, 1960-August 21, 1962****[fol. 713]****Tunica #8****Date Current Registration Began:****1939**

	Whites Over 21	Whites Reg'd	%	Negroes Over 21	Negroes Reg'd	%
Jan. 1, 1890	437			2,797		
Jan. 1, 1899	567	517	91%	4,326	106	2.45%
Jan. 1, 1954	2,251	1,440	64%	9,123	3	.033%
Mar. 24, 1955	2,251	1,769	78%	9,123	29	.32%
Jan. 1, 1960	2,011	2,253	100%	5,822	40	.69%
June 1, 1962	2,011	1,436	71%	5,822	42	.72%

Total Votes Cast in First Gubernatorial Primary

1951	1,402	1959	1,407
1955	1,539	1963	1,308

Source and Explanation of Registration Statistics**Race Identification**

The current registration books and the poll books indicate the race of all registrants registering until about 1959, Mrs. Abbay, the Circuit Clerk, reviewed the accepted applications filed since 1957 with attorneys of the plaintiff and identified all applications of Negroes. Race identification is thus complete through March 28, 1963.

January 1, 1954**Negroes: 3****Source: 1955-1959 Poll Books**

Explanation: All Negroes registered prior to January 1, 1954 were counted.

Whites: 1,440**Source: 1955-1959 Poll Books**

Explanation: All whites registered prior to January 1, 1954 were counted.

[fol. 714] March 24, 1955

Negroes: 29

Source: 1955-1959 Poll Books

Explanation: All Negroes registered prior to March 24, 1955 were counted.

Whites: 1,769

Source: 1955-1959 Poll Books

Explanation: All whites registered prior to March 24, 1955 were counted.

January 1, 1960

Negroes: 40

Source: 1955-1959 Poll Books

Explanation: All Negroes registered prior to January 1, 1960 were counted. The race of registrants registering after 1957 is not shown. The total includes those Negroes registered before January 1, 1960 shown in the books to be Negro and those persons registered before January 1, 1960 identified by the registrar as Negroes.

Whites: 2,253

Source: 1955-1959 Poll Books

Explanation: All whites registered prior to January 1, 1960 were counted. The total includes all persons registered prior to January 1, 1960 identified as whites and all persons registered prior to January 1, 1960 unidentified by race in the poll books and unidentified as Negroes by the registrar. Comparison with the population figure shows this figure to be inflated due probably to incomplete purging of the poll books.

June 1, 1962

Negroes: 42

Source: 1960-1962 Poll Books

Explanation: All Negroes registered prior to June 1, 1962 were counted. The total includes all such Negroes shown in the Poll Books and all persons registered prior to June 1, 1962 identified by the registrar as Negroes.

Whites: 1,436

Source: Current (1963) Poll Books

Explanation: All persons registered prior to June 1, 1962 were counted. The number of Negroes registered prior to June 1, 1962 was subtracted from the resultant total and the remainder is the figure for white registration. The 1960-1962 poll books were not used as they are incompletely purged as noted above.

[fol. 715]

General Information

Name of Present Registrar: Mrs. Mary Abbay

Date Present Registrar Took Office: Approximately 1960

Dates Records were Photographed: March 28, 1963

Description of Records Photographed:

Current Registration Books for Period:

1939 to date of photographing

Current Poll Books for Period:

1963 to date of photographing

Old Registration Books: None

Old Poll Books for Periods:

1951-1955; 1955-1959; 1960-1962.

Application Forms:

Number Made Available: 497

Period in Time They Cover:

April 9, 1955-February 22, 1963

[fol. 716]

Leflore County # 11

Date Current Registration Began: December, 1952

	Whites Over 21	Whites Reg'd	%	Negroes Over 21	Negroes Reg'd	%
Jan. 1, 1890	893			3,494		
Jan. 1, 1899	858	812	95%	3,029	43	1.4%
Jan. 1, 1954	10,331	4,328	42%	17,893	243	1.3%
Mar. 24, 1955	10,331	5,563	54%	17,893	400	2.2%
Jan. 1, 1960	10,274	6,925	68%	13,567	269	2%
June 1, 1962	10,274	7,168	70%	13,567	268	2%

Total Votes Cast in First Gubernatorial Primary

1951	5,101	1959	5,931
1955	5,388	1963	5,828

Source and Explanation of Registration Statistics

Race Identification

The current poll books indicate race until about September 1960. Negro applicants for the period from September 1960 to June 1962 were identified by checking addresses of applicants against addresses in the known Negro areas of Leflore County.

January 1, 1954

Negroes: 243

Source: Current Poll Books

Explanation: All Negroes registered prior to January 1, 1954 were counted.

[fol. 717] Whites: 4,328

Source: Registrar's count of qualified electors made in Current Poll Books on March 27, 1954

Explanation: The registrar's count shows 4,571 qualified electors as of March 27, 1954. The figure for white persons given above is 4,571 minus the 243 Negroes registered.

March 24, 1955

Negroes: 400

Source: Current Roll Books

Explanation: All Negroes registered prior to March 24, 1955 were counted.

Whites: 5,563

Source: Registrar's count of qualified electors made in Current Poll Books as of April 1, 1955.

Explanation: The registrar's count shows 5,963 qualified electors as of April 1, 1955. The figure for white persons given above is 5,963 minus the 400 Negroes registered.

June 1, 1960

Negroes: 269

Source: Current Poll Books

Explanation: All Negroes registered prior to January 1, 1960 were counted. The total excludes 128 Negroes whose names appear in the poll books with the notation "Gone 1959".

Whites: 6,925

Source: Registrar's count of qualified electors made in Current Poll Books as of October 31, 1959.

Explanation: The registrar's count shows 7,194 qualified electors as of October 31, 1959. The figure for white persons given above is 7,194 minus the 269 Negroes registered.

June 1, 1962

Negroes: 268

Source: Current Poll Books and Accepted Application Forms

[fol. 718] Explanation: All Negroes registered prior to June 1, 1962 were counted. The total excludes four Negroes whose names were purged from the books in 1961.

Whites: 7,168

Source: Answers of the City of Greenwood in the case of United States v. City of Greenwood, et al., Civil Action No. GC638 now pending in the United States District Court for the Northern District of Mississippi.

Explanation: In the answers referred to, the City of Greenwood states that 1,605 white persons have been registered from January, 1955 through June, 1962. The figure given above is the sum of the 5,563 whites registered on

March 24, 1955 and the 1,605 whites referred to by the City of Greenwood.

General Information

Name of Present Registrar: Mrs. Martha Turner Lamb

Date Present Registrar Took Office: 1952

Dates Records Were Photographed:

September 1960; March 1963; July 1963; August 1963

Description of Records Photographed:

Current Registration Books for Period:

1952 to date of second photographing

Current Poll Books for Period:

1952 to date of second photographing

Old Registration Books: None

Old Poll Books: None

Application Forms:

Number Made Available: approximately 3,500

Period of Time They Cover:

March 1955 to July 1963

[fol. 719]

Washington #13

Date Current Registration Began: , 1951

	Whites Over 21	Whites Reg'd	%	Negroes Over 21	Negroes Reg'd	%
Jan. 1, 1890	1,700			9,103		
Jan. 1, 1899	1,453	1,738	100%	12,046	397	4%
Jan. 1, 1954	14,074	5,453	38.8%	25,823	1,188	4.6%
Mar. 24, 1955	14,074	6,082	42.5%	25,823	1,478	5.7%
Jan. 1, 1960	19,837	9,847	49%	20,619	1,547	7.5%
June 1, 1962	19,837	10,838	54.5%	20,619	1,762	8.6%

Total Votes Cast in First Gubernatorial Primary

1951	6,131	1959	7,702
1955	6,669	1963	8,974

Source and Explanation of Registration Statistics

Race Identification

The current registration books and current poll books indicate race of all registrants.

January 1, 1954

Negroes: 1,188

Source: Current poll books

Explanation: All Negroes registered prior to January 1, 1954 were counted. The total excludes 104 Negroes registered prior to January 1, 1954 whose names are crossed out in the books.

Whites: 5,453

Source: Current poll books

Explanation: All whites registered prior to January 1, 1954 were counted. The total excludes 857 whites registered prior to January 1, 1954 whose names are crossed out in the books.

[fol. 720] March 24, 1955

Negroes: 1,478

Source: Current poll books

Explanation: All Negroes registered prior to March 24, 1955 were counted. The total excludes 125 Negroes registered prior to March 24, 1955 whose names are crossed out in the books.

Whites: 6,062

Source: Current poll books

Explanation: All whites registered prior to March 24, 1955 were counted. The total excludes 958 whites registered prior to March 24, 1955 whose names are crossed out in the books.

January 1, 1960

Negroes: 1,547

Source: Current poll books

Explanation: All Negroes registered prior to January 1, 1960 in all Beats except Beat 3 were counted. All Negroes registered between March 24, 1955 and June 1, 1962 in Beat 3 were counted. On the basis of the relative activity of registration in the March 24, 1955-January 1, 1960 and January 1, 1960-June 1, 1962 periods in other beats a proportion of the total Negroes registered between March 24, 1955 and June 1, 1962 in Beat 3 was assigned to the March 24, 1955 to January 1, 1960 period. This figure was added to the number of Negroes registered in Beat 3 prior to March 24, 1955 and the sum was added to the total number of people registered prior to January 1, 1960 in all other Beats.

Whites: 9,847

Source: Current poll books

Explanation: All whites registered prior to January 1, 1960 in all Beats except Beat 3 were counted. All whites registered between March 24, 1955 and June 1, 1962 were counted. On the basis of the relative activity of registration in the March 24, 1955-January 1, 1960 and January 1, 1960-June 1, 1962 periods in other beats a proportion of the total whites registered between March 24, 1955 and June 1, 1962 in Beat 3 was assigned to the March 24, 1955-January 1, 1960 period. This figure was added to the number of whites registered in Beat 3 prior to March 24, 1955 and the sum was added to the total number of people registered prior to January 1, 1960 in all other Beats.

June 1, 1962

Negroes: 1,762

Source: An article in the Delta Democrat Times on March 4, 1962 written by Robert Carpenter following an interview with Mr. Cocke.

[fol. 721] **Explanation:** All Negroes registered prior to June 1, 1962 were presumably counted.

Whites: 10,838

Source: An article in the Delta Democrat Times on March 4, 1962 written by Robert Carpenter following an interview with Mr. Cocke

Explanation: All Negroes registered prior to January 1962 were presumably counted.

General Information

Name of Present Registrar: C. E. Cocke

Date Present Registrar Took Office: 1944

Dates Records Were Examined: July 25-26, 1962

Description of Records Examined:

Current Registration Books for Period: 1951 to date

Current Poll Books for Period: 1951 to date

Old Registration Books for Period: None

Old Poll Books for Period: None

Application Forms:

Number Made Available: 146

Period in Time They Cover:

January 30, 1961 to July 26, 1962

[fol. 722]

Benton #14

Date Current Registration Began: 1890

	Whites Over 21	Whites Reg'd	%	Negroes Over 21	Negroes Reg'd	%
Jan. 1, 1890	1,230			877		
Jan. 1, 1899	1,215	880	72%	1,009	120	11%
Jan. 1, 1954	2,780	2,152	77%	1,749	40	.4%
Mar. 24, 1955	2,780	2,266	81%	1,749	40	.23%
Jan. 1, 1960	2,514	2,009	80%	1,419	42	.3%
Jan. 1, 1962	2,514	2,078	82.5%	1,419	30	.21%

Total Votes Cast in First Gubernatorial Primary

1951	2,172	1959	2,077
1955	2,333	1963	(incomplete)

Source and Explanation of Registration Statistics

Race Identification

The current and old poll books indicate the race of all electors.

January 1, 1954

Negroes: 40

Source: 1955-1960 Poll Books

Explanation: All Negroes registered prior to January 1, 1954 were counted. The total excludes 17 Negroes registered prior to January 1, 1954 whose names are crossed out.

[fol. 723] Whites: 2,152

Source: 1955 Primary Election Figures and 1955-1960
Poll Books

Explanation: The minimum number of white persons registered was estimated from the total number of votes cast for candidates for Governor in the first primary in August 1955 minus the total number of Negroes registered as of March 24, 1955 minus the 141 white persons registered between January 1, 1954 and March 24, 1955.

March 24, 1955

Negroes: 40

Source: 1955 to 1960 Poll Books

Explanation: All Negroes registered prior to March 24, 1955 were counted. The total excludes 17 Negroes registered prior to March 24, 1955.

Whites: 2,266

Source: 1955-1960 Poll Books

Explanation: The minimum number of white persons registered was estimated from the total number of votes cast for candidates for Governor in the first primary in August 1955 minus the total number of Negroes registered as of March 24, 1955.

January 1, 1960

Negroes: 42

Source: 1955-1960 Poll Books

Explanation: All Negroes registered prior to January 1, 1960 were counted. The total excludes 17 Negroes registered prior to January 1, 1960 whose names are crossed out.

Whites: 2,009

Source: 1959 Primary Election Figures and 1955-1960
Poll Books

Explanation: The minimum number of white persons registered was estimated from the total number of votes cast for candidates for Governor in the first primary in August 1959 minus the total number of Negroes registered as of January 1, 1960.

[fol. 724] June 1, 1962

Negroes: 30

Source: Current Poll Books

Explanation: All Negroes registered prior to June 1, 1962 were counted. The total includes 6 Negroes registered prior to June 1, 1962 whose names are crossed out.

Whites: 2,078

Source: Current Poll Book, 1955-1960 Poll Book, and
1959 Primary Election Figures

Explanation: All whites registered between January 1, 1960 and June 1, 1962 were counted in the current poll books and added to the figure for white registration as of January 1, 1960 given above. The total includes 7 whites registered between January 1, 1960 and June 1, 1962 whose names are crossed out.

Note: Election figures had to be used for the 1954, 1955 and 1960 white registration figures. The registration books date from 1890 and are unreliable as to deaths and transfers. It could not be discovered from the poll books whether they were kept up to date for deaths, transfers, etc. The number of Negroes was small and the error introduced by these factors was sufficiently negligible to make counting Negroes in the poll books practicable. The election figures were judged a more reliable source for the white registration figures.

General Information

Name of Present Registrar: John L. Mathis

Date Present Registrar Took Office: January, 1952

Date Records Were Photographed: December 20, 1962

Description of Records Photographed:

Current Registration Books for Period:

1890 to date of photographing

Current Poll Books for Period:

1960 to date of photographing

[fol. 725] Old Registration Books: None

Old Poll Books: 1955-1960

Application Forms:

Number Made Available: 182

Period of Time They Cover:

June 25, 1962 through May 6, 1963

[fol. 726] Grenada #16

Date Current Registration Began: , 1948

	Whites Over 21	Whites Reg'd	%	Negroes Over 21	Negroes Reg'd	%
Jan. 1, 1890	952			2,085		
Jan. 1, 1899	952	788*	80%	2,071	303*	14.6%
Jan. 1, 1954	5,599	5,258	94%	4,980	92	1.85%
Mar. 24, 1955	5,599	3,467	62%	4,980	130	2.6%
Jan. 1, 1960	5,792	4,755	83%	4,323	134	3.1%
June 1, 1962	5,792	5,518	95%	4,323	135	3.1%

*From 1896 Registration Statistics

Total Votes Cast in First Gubernatorial Primary

1951	3,098	1959	3,652
1955	3,597	1963	4,019

Source and Explanation of Registration Statistics

Race Identification

The current registration books and current poll books indicate race of all electors.

January 1, 1954

Negroes: 92

Source: Current Registration Books

Explanation: All Negroes registered prior to January 1, 1954 were counted.

Whites: 5,258

Source: Current Registration Books

Explanation: All whites registered prior to January 1, 1954 were counted. The total excludes whites registered prior to January 1, 1954 whose names are crossed out.

[fol. 727] March 24, 1955

Negroes: 130

Sources: Current Registration Books

Explanation: All Negroes registered prior to January 1, 1954 were counted.

Whites: 3,467

Sources: 1955 Primary Election Figures and Current Registration Books

Explanation: The minimum number of white persons registered was estimated by subtracting the total number of Negroes registered prior to March 24, 1955 from the total number of votes cast for candidates for governor in the first primary in August 1955.

January 1, 1960

Negroes: 134

Sources: Current Registration Books

Explanation: All Negroes registered prior to January 1, 1960 were counted.

Whites: 4,755

Source: Current Poll Books, 1955 Primary Election Figures and Current Registration Books

Explanation: All whites registered between March 24, 1955 and January 1, 1960 were counted from the poll books. The resultant sum was added to the figure for white registration as of March 24, 1955. The total includes whites registered between the two dates whose names are crossed out in the poll books.

June 1, 1962

Negroes: 135

Source: Current Registration Books

Explanation All Negroes registered prior to June 1, 1962 were counted.

Whites: 5,518

Source: Current Poll Books, 1955 Primary Election Figures, Current Registration Books.

Explanation: All whites registered between March 24, 1955 and January 1, 1960 were counted from the poll books. The resultant sum was added to the figure for white registration as of March 24, 1955. The total includes whites registered between the two dates whose names are crossed out in the poll books.

[fol. 728] Note: The current registration books are used for the Negro registration figures throughout and for the January 1, 1954 white registration figure. They were not used for later white figure because in each case, the total they yielded for white persons registered was greater than the white voting age population. Clearly, the current (1942 on) registration books are very incompletely purged. The Negro figures gleaned from them are therefore substantially inflated. For example, the current poll books show only 35 Negroes registered prior to June 1, 1962.

The method used to obtain the white registration figures for 1960 and 1962 introduces an inaccuracy. It does not allow for people who voted in 1955 and died or left the county before 1960 or 1962.

General Information

Name of Registrar: Mrs. Aline B. Worsham
 Date Present Registrar Took Office: December 1959
 Dates Records were Photographed: April 24, 1963
 Description of Records Photographed:

Current Registration Books for Period:

1942 to date of photographing

Current Poll Books for Period:

1958 to date of photographing

Old Registration Books: 1890 to 1942 (Intermittently)

Old Poll Books: 1948-1958 (Incomplete Sets)

Application Forms:

Number Made Available: 1,200

Period of Time Covered:

April 12, 1955-April 2, 1963

[fol. 729]

Marshall #18

Date Current Registration Began:

, 1937

	Whites Over 21	Whites Reg'd	%	Negroes Over 21	Negroes Reg'd	%
Jan. 1, 1890	2,170			3,039		
Jan. 1, 1899	2,048	2,066	100%	3,638	247	6.8%
Jan. 1, 1954	4,406	3,180	72%	8,210	14	.17%
Mar. 24, 1955	4,406	3,403	77%	8,210	20	.24%
Jan. 1, 1960	4,342	4,030	93%	7,168	23	.32%
June 1, 1962	4,342	4,162	96%	7,168	57	.8%

Total Votes Cast in First Gubernatorial Primary

1951	3,277	1959	3,975
1955	3,423	1963	3,590

Source and Explanation of Registration Statistics

Race Identification

The current poll books and current registration books indicate the race of all registrants.

January 1, 1954

Negroes: 14

Source: Current Poll Books

Explanation: All Negroes registered prior to January 1, 1954 were counted. The total includes 2 Negroes whose names are crossed out.

Whites: 3,180

Source: 1955 Primary Election Totals and Current Poll Books

Explanation: The minimum number of whites registered prior to January 1, 1954 was estimated from the total number of votes cast for candidates for governor in the first primary in August 1955 less the number of Negroes shown by the poll books to have been registered at the time [fol. 730] of that election less the total number of whites shown by the poll books to have registered between January 1, 1954 and March 24, 1955.

March 24, 1955

Negroes: 20

Source: Current Poll Books

Explanation: All Negroes registered prior to March 24, 1955 were counted. The total includes two Negroes registered prior to March 24, 1955 whose names are crossed out.

Whites: 3,403

Source: 1955 Primary Election Totals and Current Poll Books

Explanation: The minimum number of white persons registered prior to January 1, 1954 was estimated from the total number of votes cast for candidates for governor in the first primary in August 1955 less the number of Negroes shown by the poll books to have been registered at the time of that election.

January 1, 1960

Negroes: 23

Source: Current Poll Books

Explanation: All Negroes registered prior to January 1, 1960 were counted. The total includes two Negroes whose names are crossed out.

Whites: 4,030

Source: Current Poll Books

Explanation: All white persons registered prior to January 1, 1960 were counted. The total includes 189 white persons whose names are crossed out and marked for death or transfer. These names were included because the books were less than a year old on January 1, 1960 and it is a reasonable assumption that only a small percentage of these deaths occurred within that year. The total also includes 1,024 whites whose names are crossed out with no reason given. The government believes that these are persons registered but delinquent in regard to poll tax.

June 1, 1962

Negroes: 57

Source: Current Registration Book and Current Poll Books

Explanation: All Negroes registered between January 1, 1960 and June 1, 1962 were counted in the current registration books and added to the total number of Negroes registered prior to January 1, 1960. The current registration books are used rather than the current poll books for counting Negro registrants between January 1, 1960 and June 1, 1962 because they are more complete with regard to recent registration and the margin of error for inadequate [fol. 731] purge for death or transfer is greatly reduced as registration becomes more current. This total excludes one Negro whose name is crossed out in the poll books for death and includes one Negro whose name is crossed out without designation (presumably a poll tax delinquent).

Whites: 4,162

Source: Current Registration Book and Current Poll Book

Explanation: All white persons registered between January 1, 1960 and June 1, 1962 were counted in the current registration books. In order to obtain a minimum figure for white persons registered during that period names which appeared in the registration books and which were crossed out were not included. The total number of white persons registered between January 1, 1960 and June 1, 1962 was then added to the total number of white persons registered

as of January 1, 1960 (above) in order to obtain the total number of white persons registered as of June 1, 1962.

Note: Simple registration book figures could not be used as they were substantially inflated. For example, the registration books show 8,603 (of a possible 4,342) white persons registered prior to June 1, 1962.

General Information

Name of Present Registrar: Otis Clayton

Date Present Registrar Took Office: January 1956

Date Records Were Photographed:

March 1962, January 1963, May 1963.

Description of Records:

Current Poll Books for Period:

1959 to date of photographing

Current Registration Books for Period:

1937 to date of photographing

Old Poll Books for Period: None

Old Registration Books for Period: None

Application Forms

Number Made Available: 725

Period in Time They Cover:

September 16, 1961 to May 8, 1963.

[fol. 732]

Lowndes #32

Date Current Registration Began: , 1912

	Whites Over 21	Whites Reg'd	%	Negroes Over 21	Negroes Reg'd	%
Jan. 1, 1890						
Jan. 1, 1899						
Jan. 1, 1954	11,667	4,858	41.6%	9,177	30	.33%
Mar. 24, 1955	11,667	5,133	44%	9,177	151	1.6%
Jan. 1, 1960	16,460	7,181	43.6%	8,362	67	.8%
June 1, 1962	16,460	8,312	50.5%	8,362	95	1.1%

Total Votes Cast in First Gubernatorial Primary

1951	5,248	1959	5,869
1955	5,584	1963	6,605

Source and Explanation of Registration Statistics

Race Identification

Race is identified up through January 1, 1962 in the current registration books which have been in use since 1912. Race is not identified in the current primary poll books (1959 to March 25, 1963). Poll tax receipts for 1961 indicate race.

January 1, 1954

Negroes: 30

Source: Current Registration Books, and 1961 Election Commissioner's Records

Explanation: The number of Negro persons registered was obtained by counting names in the current registration books of all Negroes registered prior to this date. As the [fol. 733] registration books do not reflect death, transfers, purges, only persons under age 70 as of January 1, 1954 were counted. Negroes over 70 were counted only if their names were found on the Election Commissioner's records for 1961. The latter is a record of qualified voters for 1961 and established that those Negro persons over 70 as of January 1, 1954 whose names appear in the record were still alive as late as 1961.

Whites: 4,858

Source: Current Registration Books and Current Primary Poll Books

Explanation: The number of white persons registered was obtained by subtracting the number of Negroes registered on January 1, 1954 from the total number of persons registered prior to January 1, 1954 as reflected in the current primary poll books. All persons whose names are crossed out are included (except internal transfers). Because the current primary poll books began in 1959, these cross-outs are assumed to have been made after 1959.

March 24, 1955

Negroes: 151

Source: Current Registration Books

Explanation: The number of Negro persons registered was obtained by counting names in the current registration books of all Negroes registered prior to this date. As the registration books do not reflect death, transfers, purges, only persons under age 70 as of March 24, 1955 were counted. Negroes over 70 were counted only if their names were found on the Election Commissioner's records for 1961.

Whites: 5,133

Source: Current Registration Books and Current Primary Poll Books

Explanation: The number of white persons registered was obtained by counting all names of persons listed in the current primary poll books as having registered between January 1, 1954 and March 24, 1955 and then subtracting from this total the 131 Negroes who registered during this period. The difference was added to the number of white persons registered on January 1, 1954. All cross-outs except internal transfers were counted.

[fol. 734] January 1, 1960

Negroes: 67

Source: Current Registration Books and Current Primary Poll Books

Explanation: All Negroes who had registered prior to January 1, 1960 and whose names appeared in the current primary poll books were counted.

Whites: 7,181

Source: Current Primary Poll Books

Explanation: The total number of names in the current primary poll books with dates of registration before January 1, 1960 were counted. The total number of Negroes registered was then subtracted to obtain the white registration figure above.

June 1, 1962

Negroes: 95

Source: Current Primary Poll Books and 1961 Poll Tax Receipts

Explanation: All Negroes who had registered prior to January 1, 1962 and whose names appeared in the Current Primary poll books were counted. Between January 1, 1962 and June 1, 1962, 392 persons registered. Of these, all but 79 paid poll tax in 1961. Of those who paid poll tax, only 3 were Negro. The other 79 who did not pay poll tax are believed to be white. This is based on location of their residence in clearly white residential areas.

Whites: 8,312

Source: Current Primary Poll Books and 1961 Poll Tax Receipts

Explanation: The total number of names in the current primary poll books with dates of registration before June 1, 1962 were counted and 90 was subtracted from the total, as there were 90 Negroes' names in the primary poll books as of that date.

General Information

Name of Present Registrar: T. E. Wiggins

Date Present Registrar Took Office: 1956

[fol. 735] Date Records Were Photographed: March 25, 1963

Description of Records Photographed:

Current Registration Books for Period: 1912 to date

Current Primary Poll Books: 1959 to date

Election Commissioner's Records for Period:

1961 to date

Poll Tax Receipts for 1961

Lists of Poll Tax Payers for 1959, 1960 and 1961

Old Registration Books: None

Old Poll Books: None

Application Forms:

Number Made Available:

Period of Time They Cover:

[fol. 736]

Claiborne #39

Date Current Registration Began: March 22, 1956

	Whites Over 21	Whites Reg'd	%	Negroes Over 21	Negroes Reg'd	%
Jan. 1, 1890						
Jan. 1, 1899						
Jan. 1, 1954	1,929	1,450	75.1%	4,728	87	1.8%
Mar. 24, 1955	1,929	1,450	75.1%	4,728	140	2.96%
Jan. 1, 1960	1,688	1,440	85.3%	3,969	15	3.8%
June 1, 1962	1,688	1,440	85.3%	3,969	15	3.8%

- Total Votes Cast in First Gubernatorial Primary

1951	1,463	1959	1,440
1955	1,452	1963	(Incomplete)

Source and Explanation of Registration Statistics

Race Identification

Race is indicated until March 24, 1955 in the old registration books and old primary poll books. For people registering prior to March 24, 1955, the old primary poll books have only eight people unidentified. Of these eight, six were checked against the old registration books and found to be white; the other two could not be found. They are assumed to be white.

After March 24, 1955, there is no race identification in either the old or current registration books or poll books.

January 1, 1954

Negroes: 87

Source: Old Poll Books

Explanation: The total number of Negroes listed in the old poll books with dates of registration prior to January 1, 1954 were counted. Persons whose names were crossed out because of death or transfer were not counted.

[fol. 737] Whites: 1,450

Source: Old Poll Books and total votes cast in first gubernatorial primary in August 1955.

Explanation: According to the poll books, of the 1,452 votes cast in the first primary in August 1955 only two were Negro.

March 24, 1955**Negroes: 140****Source: Old Poll Books**

Explanation: The total number of Negroes listed in the old poll books with dates of registration prior to March 24, 1955 were counted. Persons whose names were crossed out because of death or transfers were not counted.

Whites: 1,450**Source: Old Poll Books and total votes cast in first gubernatorial primary in August 1955**

Explanation: According to the old poll books, of the 1,452 votes cast in the first primary in August 1955, only two persons who voted were Negro.

January 1, 1960**Negroes: 15****Source: Current Registration Books, Old Registration and Old Poll Books**

Explanation: Fifteen Negroes who are identified as having registered between 1934 and March 24, 1956 re-registered prior to January 1, 1960. This is of the total of 201 Negroes whose names appear in the old registration books prior to the registration. As of 1955, 140 of these were still alive and in the county (according to the old poll books). 1,019 persons registered for the first time since March 24, 1955 before the registration (908 of these are presently registered). On the basis of the Government's investigation, all of these persons are believed to be white.

Whites: 1,440**Source: Official Returns for First August Primary and 1954 and old Poll Books**

Explanation: Because of the practice of holding a white primary in Claiborne County, all persons voting in the 1959 first primary are assumed to be white. The old poll books reflect that the maximum number of Negroes who voted in any single election between 1952 and 1955 was eight (election of November 2, 1954).

[Vol. 738] June 1, 1962

Negroes: 15

Source: Current Registration Books, Old Registration and Old Poll Books

Explanation: Fifteen Negroes who are identified as having registered between 1934 and March 24, 1956 re-registered prior to January 1, 1960. This is of the total of 201 Negroes whose names appear in the old registration books prior to the registration. As of 1955, 140 of these were still alive and in the county (according to the old poll books). 1,019 persons registered for the first time since March 24, 1955 before the registration (908 of these are presently registered). On the basis of the Government's investigation, all of these persons are believed to be white.

Whites: 1,440

Source: Official Returns for First August Primary, 1959 and Old Poll Books

Explanation: Because of the practice of holding a white primary in Claiborne County, all persons voting in the 1959 first primary are assumed to be white. The old poll books reflect that the maximum number of Negroes who voted in any single election between 1952 and 1955 was eight (election of November 2, 1954).

General Information

Name of Present Registrar: Mrs. Pauline Easley

Date Present Registrar Took Office: January 1, 1960

Date Records Were Photographed: March 14 and 15, 1963

Description of Records Photographed:

Current Registration Books for Period:

March 22, 1956 to date of photographing

Current Primary Poll Books for Period:

August 1956 to date of photographing

Old Registration Books:

1934 to re-registration in 1956; 1907 to 1934 intermittently

Old Poll Books: December 1939 to June 1955

Old General Poll Books: December 1939 to June 1955

Application Forms:

Number Made Available: 54

Period of Time They Cover:

June 29, 1962 to March 12, 1963

[fol. 739]

Warren #43

Date Current Registration Began: , 1915

	Whites Over 21	Whites Reg'd	%	Negroes Over 21	Negroes Reg'd	%
Jan. 1, 1890	2,471			5,552		
Jan. 1, 1899	2,612	1,986	75%	7,446	201	2.7%
Jan. 1, 1954	12,756	7,604	60%	12,312	1,667	13.5%
Mar. 24, 1955	12,756	8,408	66%	12,312	2,088	16.3%
Jan. 1, 1960	13,530	10,295	74%	10,726	2,251	21%
June 1, 1962	13,530	11,153	83%	10,726	2,360	22%

Total Votes Cast in First Gubernatorial Primary

1951	6,722	1959	7,613
1955	7,451	1963	8,974

Source and Explanation of Registration Statistics

Race Identification

The registration books show race through 1955. A card file shows race for all registrants. A card showing name, date of registration, and race is made up by the registrar for each registrant in this county. This system has been in use since before 1915. The cards are kept separated by race and by eligibility or non-eligibility to vote based on satisfaction of poll tax requirements. This file provides a continuous record of registration and is the source of the registration statistics cited herein. At the date of photographing the cards, according to the registrar, were up-to-date through November 1962.

January 1, 1954

Negroes: 1,667

Source: Current Registration Card File

Explanation: All Negroes registered prior to January 1, 1954 were counted. The total includes Negroes registered and qualified and Negroes registered and delinquent. The total excludes all Negroes registered prior to January 1, 1954 whose cards were in the deceased or no longer resident files when the files were photographed.

Whites: 7,604

Source: Current Registration Card File

Explanation: All whites registered prior to January 1, 1954 were counted. The total includes whites registered and qualified and whites registered and delinquent. The total excludes all whites registered prior to January 1, 1954 whose cards were in the deceased or no longer resident files when the files were photographed.

[fol. 740] March 24, 1955

Negroes: 2,088

Source: Current Registration Card File

Explanation: All Negroes registered prior to March 24, 1955 were counted. The total includes Negroes registered and qualified and Negroes registered and delinquent. The total excludes all Negroes registered prior to March 24, 1955 whose cards were in the deceased or no longer resident files when the files were photographed.

Whites: 8,408

Source: Current Registration Card File

Explanation: All whites registered prior to March 24, 1955 were counted. The total includes whites registered and qualified and whites registered and delinquent. The total excludes all whites registered prior to March 24, 1955 whose cards were in the deceased or no longer resident files when the files were photographed.

January 1, 1960

Negroes: 2,251

Source: Current Registration Card File and Accepted Applications of Negroes filed between March 24, 1955 and January 1, 1960.

Explanation: All applications filed by Negroes between March 24, 1955 and January 1, 1960 were counted. The resultant figure was added to the Negro registration figure for March 24, 1955. Their sum is the Negro registration figure for January 1, 1960.

Whites: 10,295

Source: Current Registration Card File and Accepted Applications of whites filed between March 24, 1955 and January 1, 1960.

Explanation: All applications filed by whites between March 24, 1955 and January 1, 1960 were counted. The resultant figure was added to the white registration figure for March 24, 1955. Their sum is the white registration figure for January 1, 1960. (About 430 people transferred into Warren between 1955 and 1962. There are no application forms for these people and the transfer certificates do not show race. While it is probable that they are all white they are not included in any of these totals.

June 1, 1962

Negroes: 2,360

Source: Current Registration Card File and Accepted Applications of Negroes filed between January 1, 1960 and June 1, 1962.

Explanation: All applications filed by Negroes between January 1, 1960 and June 1, 1962 were counted. The resultant figure was added to the Negro registration figure for January 1, 1960. Their sum is the Negro registration figure for June 1, 1962.

[fol. 741] Whites: 11,153

Source: Current Registration Card File and Accepted Applications of Negroes filed between January 1, 1960 and June 1, 1962.

Explanation: All applications filed by whites between January 1, 1960 and June 1, 1962 were counted. The resultant figure was added to the white registration figure for January 1, 1960. Their sum is the white registration figure for June 1, 1962.

Note: The count after 1955 was made using the application forms simply for convenience. Work done with the card file and the application forms in connection with a study not directly related to the instant one showed that the card file and application forms yield essentially the same registration statistics. The application form count is inaccurate as regards people who transferred into the county and were registered without completing forms or who registered and later moved or died.

General Information

Name of Present Registrar: J. Noel Nutt
 Date Present Registrar Took Office: January 3, 1962
 Date Records were Examined: January 7-11, 1963
 Description of Records Examined:

Current Registration Books for Period: 1915 to date
 Current Primary Poll Books: 1962
 Old Registration Books: None
 Old Poll Books: None
 Application Forms:

Number Made Available: 3,552

Period of Time They Cover:

March 1955-January 1963

Note: The following chart indicates the rate of Negro registration by year from 1947 to 1962. The annual figures were obtained from the registrar's card file and represents the number of Negroes currently registered who registered or re-registered in the years indicated.

Year	No. of Negroes Reg'd
47	140
48	30
[fol. 742]	
49	83
50	275
51	136
52	316
53	419
54	297
Prior to 3/24/55	123
After 3/24/55	10
56	26
57	44
58	36
59	37
60	36
61	48
62	25

[fol. 743] Wilkinson #44

Date Current Registration Began: , 1949

	Whites Over 21	Whites Reg'd	%	Negroes Over 21	Negroes Reg'd	%
Jan. 1, 1890	928			2,412		
Jan. 1, 1899	985	961	98%	3,303	124	3.76%
Jan. 1, 1954	2,626	1,619	61%	4,558	32	.7%
Mar. 24, 1955	2,626	1,813	69%	4,558	43	.9%
Jan. 1, 1960	2,340	2,246	96%	4,120	53	1.3%
June 1, 1962	2,340	2,438	100%	4,120	60	1.5%

Total Votes Cast in First Gubernatorial Primary

1951	1,979	1959	1,749
1955	2,002	1963	1,837

Source and Explanation of Registration Statistics

Race Identification

Both the current registration books and the current poll books indicate the race of all registrants up to mid-1962.

January 1, 1954**Negroes: 32****Source: Current Poll Books**

Explanation: All Negroes registered prior to January 1, 1954 were counted. The total excludes five Negroes registered prior to January 1, 1954 whose names are crossed out in the books.

[fol. 744] Whites: 1,619**Source: Current Poll Books**

Explanation: All whites registered prior to January 1, 1954 were counted. The total excludes 860 whites registered prior to January 1, 1954 whose names are crossed out in the books.

March 24, 1955**Negroes: 43****Source: Current Poll Books**

Explanation: All Negroes registered prior to March 24, 1955 were counted. The total excludes five Negroes registered prior to March, 1955 whose names are crossed out in the books.

Whites: 1,813**Source: Current Poll Books**

Explanation: All whites registered prior to March 24, 1955 were counted. The total excludes 904 whites registered prior to March 24, 1955 whose names are crossed out in the books.

January 1, 1960**Negroes: 53****Source: Current Poll Books**

Explanation: All Negroes registered prior to January 1, 1960 were counted. The total excludes five Negroes registered prior to January 1, 1960 whose names are crossed out in the books.

Whites: 2,246

Source: Current Poll Books

Explanation: All whites registered prior to January 1, 1960 were counted. The total excludes 1,008 whites registered prior to January 1, 1960 whose names are crossed out in the books.

June 1, 1962

Negroes: 60

Source: Current Poll Books

Explanation: All Negroes registered prior to June 1, 1962 were counted. The total excludes five Negroes registered prior to June 1, 1962 whose names are crossed out in the books.

[fol. 745] Whites: 2,438

Source: Current Poll Books

Explanation: All whites registered prior to June 1, 1962 were counted. The total excludes 1,015 whites registered prior to June 1, 1962 whose names are crossed out in the books.

General Information

Name of Present Registrar: R. Whitaker

Date Present Registrar Took Office: January 1, 1960

Date Records Were Photographed: August 2, 1963

Description of Records Photographed:

Current Registration Books for Period:

1949 to date of photographing

Current Poll Books for Period:

1949 to date of photographing

Old Registration Books: None

Old Poll Books: None

Application Forms:

Number Made Available: 234

Period of Time They Cover:

January 14, 1961 to July 20, 1963

[fol. 746]

Yazoo #45

Date Current Registration Began: , 1950

	Whites Over 21	Whites Reg'd	%	Negroes Over 21	Negroes Reg'd	%
Jan. 1, 1890	1,965			5,679		
Jan. 1, 1899	2,371	1,880	79%	7,557	66	.87%
Jan. 1, 1954	8,024	4,236	54%	11,126	139	1.2%
Mar. 24, 1955	8,024	4,865	60%	11,126	208	1.8%
Jan. 1, 1960	7,598	6,274	83%	8,719	256	2.9%
June 1, 1962	7,598	7,130	93%	8,719	256	2.9%

Total Votes Cast in First Gubernatorial Primary

1951	4,667	1959	4,792
1955	4,714	1963	5,259

Source and Explanation of Registration Statistics

Race Identification

The current registration books and current poll books indicate race of all people registered until about April 1958. After that date, race is indicated only sporadically.

January 1, 1954

Negroes: 139

Source: Current Poll Books

Explanation: All Negroes registered prior to January 1, 1954 were counted. The total includes 29 Negroes whose names are crossed out with a notation that the names were [fol. 747] removed at the request of the registrants. The government has determined that these names were crossed out in 1955 and 1956. The total excludes 9 Negroes whose names are crossed out without explanation or because of death.

Whites: 4,236

Source: Current Poll Books

Explanation: All whites registered prior to January 1, 1954 were counted. The total excludes 1,775 whites registered prior to January 1, 1954 whose names are crossed out in the books.

March 24, 1955

Negroes: 208

Source: Current Poll Books

Explanation: All Negroes registered prior to March 24, 1955 were counted. The total includes 55 Negroes registered prior to March 24, 1955 (of which 29 were registered prior to January 1, 1954 and are mentioned above) whose names are crossed out with a notation that the names were removed at the request of the registrants. The government has determined that these names were crossed out in 1955 and 1956. The total excludes 15 Negroes whose names are crossed out without explanation or because of death or leaving the county.

Whites: 4,865

Source: Current Poll Books

Explanation: All whites registered prior to March 24, 1955 were counted. The total excludes 1,985 whites registered prior to March 24, 1955 whose names are crossed out in the books.

January 1, 1960

Negroes: 256

Source: Current Poll Books and Statement of Yazoo County Registrar to attorneys for the Plaintiff

Explanation: Three Negroes are shown in the poll books to have registered between March 24, 1955 and 1958. The books do not indicate race after 1958. No more than 100 Negroes applied between 1958 and June 1, 1962 according to Mrs. Fisher. During 1955 and 1956, 55 Negroes' names were removed from the books at the Negroes' request. [fol. 748] The figure for Negroes as of January 1, 1960 is the 208 Negroes registered as of March 24, 1955 plus the three Negroes registered between March 24, 1955 and 1958 plus 100 to make maximum allowance for Negroes put on the books between 1958 and January 1, 1960 without race identification minus the 55 Negroes who asked that their names be removed.

Whites: 6,374

Source: Current Poll Books and Statement of Registrar

Explanation: All persons, identified as whites, registered prior to January 1, 1960 were counted. All persons registered prior to January 1, 1960 unidentified by race were counted. The total is the sum of these two counts minus 100 to make maximum allowance for the fact that some of the persons (though, according to the register, certainly no more than 100) unidentified by race are Negroes.

June 1, 1962

Negroes: 7,130

Source: Current Poll Books and Statement of Registrar

Explanation: The total for Negroes as of June 1, 1962 is the same as that as of January 1, 1960 as maximum allowance for any Negro registration between 1958 and June 1, 1962 is already made in the January 1, 1960 figure.

Whites: 6,274

Source: Current Poll Books and Statement of Registrar

Explanation: All persons registered between January 1, 1960 and June 1, 1962 were counted. The total is the sum of that count and the figure for whites for January 1, 1960.

General Information

Name of Present Registrar: Mrs. C. H. Fisher

Date Present Registrar Took Office: 1934

Date Records Were Photographed: June 25, 1962

Description of Records Photographed:

Current Registration Books for Period: 1950 to date

Current Poll Books for Period:

1950 to date of photographing

[fol. 749] Application Forms

Number Made Available: Approximately 1,200

Period in Time They Cover: 1955 to 1962

[fol. 750]

Amite #46

Date Current Registration Began: March 18, 1952

	Whites Over 21	Whites Reg'd	%	Negroes Over 21	Negroes Reg'd	%
Jan. 1, 1890	1,645			1,903		
Jan. 1, 1899	1,829	1,787	94%	2,263	276	12%
Jan. 1, 1954	5,162	3,229	63%	4,598	2	.04%
Mar. 24, 1955	5,162	3,976	77%	4,598	2	.04%
Jan. 1, 1960	4,449	3,600	81%	3,560	1	.028%
June 1, 1962	4,449	3,532	80%	3,560	1	.028%

Total Votes Cast in First Gubernatorial Primary

1951	3,275	1959	3,295
1955	3,407	1963	3,236

Source and Explanation of Registration Statistics

Race Identification

The current registration books show the race of all registrants registering from the start of the current registration through 1955. This is done in the books by typing a letter, for example W, at the top of the page and identifying other registrants on the page by typing a ditto mark in the race column next to the registrant's name and under the W at the top of the race column. For registrations after 1955 the race columns are completely blank. Though race was formerly identified through 1955 using the method described, the first entry in the race column on every page had, when the books were photographed, been erased and a ditto mark had been typed in over the erasure.

Only two Negroes, R. H. Weddington and Frank J. Norwood, have registered in Amite County since 1952. This statement is based on the following:

(1) The names of prominent white residents of Amite County (County officials, etc.) have been located in the books and after their names ditto marks appear in the race column. where these appear in a continuous sequence of ditto marks, it is clear that all people in the sequence are white. When this pattern is found in a number of instances, the inference is clear that an erased first entry in the race column followed [fol. 751] by a chain of ditto marks are pages of white registrants. The overwhelming majority of pages in the books are of this type.

(2) Twenty Negroes were registered in Amite County between 1934 and 1952 (see old registration books. Their race was designated). Only two of these Negroes re-registered (both Weddington and Norwood did on November 7, 1952). There are erasures in the race column beside each of their names and ditto marks have been typed therein. Neither name appears at the top of the page.

(3) The Federal Bureau of Investigation has interviewed 37 people selected randomly from the low educated and low income group in Amite County who are on the current registrar's books without indication as to their race. All of them are white.

(4) Attorneys of this Division have conducted an investigation in the county. At least 40 Negroes have been interviewed, including leaders of the Negro community. None are registered and none know of any Negroes who are registered, except Weddington who knew of himself and Frank J. Norwood.

January 1, 1954

Negroes: 2

Source: Current Registration Books

[1 line of copy missing]

1955, but he was presumed to be dead before January 1, 1960. He was 81 in 1952.

Whites: 3,229

Source: Current Registration Books

Explanation: All persons registered prior to January 1, 1954 were counted. The total excludes R. H. Weddington and Frank J. Norwood and includes those persons whose names are crossed out.

March 24, 1955

Negroes: 2

Source: Current Registration Books

Explanation: R. H. Weddington and Frank J. Norwood, both Negroes, registered on November 7, 1962.

[fol. 752] Whites: 3,976

Source: Current Registration Books

Explanation: All persons registered prior to March 24, 1955 were counted. The total excludes R. H. Weddington and Frank J. Norwood, both Negroes, but includes those persons whose names are crossed out.

January 1, 1960

Negroes: 1

Source: Current Registration Books

Explanation: R. H. Weddington, Negro, registered on November 7, 1952. Frank J. Norwood was presumably dead at this time.

Whites: 3,600

Source: Current Registration Books

Explanation: The total for white persons is the number of qualified electors in Amite County which was entered in the registration book on July 20, 1959. The registrar is charged with certifying the number of ballots to be prepared for each election and to do this he must prepare the figure we cite. The figure is inaccurate to the extent that it does not include persons registered between July 20, 1959 and January 1, 1960.

June 1, 1962

Negroes: 1

Source: Current Registration Books

Explanation: The total for white persons is the number certified by the Election Commissioners as the number of registered voters in Amite County at the time of the certification, October 3 and 4, 1962, less the number of people shown in the registration books with dates of registration between June 1, 1962 and October 4, 1962, less R. H. Weddington.

General Information

Name of Present Registrar: H. K. Whittington

Date Present Registrar Took Office: January 1, 1952

Dates Records Were Photographed:

March 22, 1963 and May 2, 1963

[fol. 753] Description of Records Photographed:

Current Registration Books for Period:

March 18, 1952 to date

Current Poll Books: 1952 to date of photographing

Old Registration Books for Period: 1934 to 1952

Old Poll Books: None

Application Forms:

Number Made Available: 65

Period of Time They Cover:

June 14, 1955-March 14, 1963

[fol. 754]

Grenada #47

Date Current Registration Began: —, 1935

	Whites Over 21	Whites Reg'd	%	Negroes Over 21	Negroes Reg'd	%
Jan. 1, 1890	3,073			2,884		
Jan. 1, 1899	3,494	2,786	80%	3,522	143	4.1%
Jan. 1, 1954	8,827	4,742	54%	7,841	8	.1%
Mar. 24, 1955	8,827	5,073	57.5%	7,841	23	.29%
Jan. 1, 1960	8,153	6,800	81%	6,407	20	.31%
June 1, 1962	8,153	7,533	92%	6,407	25	.39%

Total Votes Cast in First Gubernatorial Primary

1951	5,006	1959	5,076
1955	4,809	1963	4,982

Source and Explanation of Registration Statistics

Race Identification

The current registration books and current poll books indicate the race of all registrants.

January 1, 1954

Negroes: 8

Source: Current Registration Books

Explanation: All Negroes registered prior to January 1, 1954 were counted. No Negroes registered prior to January 1, 1954 are crossed out. An inspection in the poll books showed the names of 6 Negroes registered prior to January 1, 1954.

Whites: 4,742

Source: Current Poll Books

Explanation: All whites registered prior to January 1, 1954 were counted. The total excludes 2,500 whites registered prior to January 1, 1954 whose names are crossed out.

[fol. 755] March 24, 1955

Negroes: 23

Source: Current Poll Books

Explanation: All Negroes registered prior to March 24, 1955 were counted. No names of Negroes registered prior to March 24, 1955 are crossed out. The Poll Books were used as a count in the registration books yielded a smaller figure.

Whites: 5,073

Source: Current Poll Books

Explanation: All whites registered prior to March 24, 1955 were counted. The total excludes 2,682 whites registered prior to March 24, 1955 whose names are crossed out.

January 1, 1960

Negroes: 20

Source: Current Poll Books

Explanation: All Negroes registered prior to January 1, 1960 were counted. No names of Negroes registered prior to January 1, 1960 are crossed out. The Poll Books were used for this figure as a count in the registration books yielded a smaller figure.

Whites: 7,600

Source: Current Poll Books

Explanation: We estimate that about 7,600 whites registered prior to January 1, 1960.

June 1, 1962

Negroes: 25

Source: Current Poll Books

Explanation: All Negroes registered prior to June 1, 1962 were counted. No names of Negroes registered prior

to June 1, 1962 are crossed out. The Poll Books were used for this figure as a count in the registration books yielded a smaller figure.

Whites: 7,533

Source: Current Poll Books

Explanation: All whites registered prior to June 1, 1962 were counted. The total excludes whites registered prior to June 1, 1962 whose names are crossed out.

General Information

Name of Present Registrar: A. B. Weeks

Date Present Registrar Took Office: January 1, 1952

[fol. 756] Date Records were Photographed:

January 3-4, 1963

Description of Records Photographed:

Current Registration Books for Period:

1935 to date of photographing

Current Primary Poll Books:

1935 to date of photographing

Old Registration Books: None

Old Poll Books: None

Application Forms:

Number Made Available: 541

Period of Time Covered:

February 15, 1960-January 2, 1963

* In Some precincts the registration books go back as far as 1923, however, they are still in use.

[fol. 757]

Franklin #48

Date Current Registration Began: —, 1941

	Whites Over 21	Whites Reg'd	%	Negroes Over 21	Negroes Reg'd	%
Jan. 1, 1890	1,171			860		
Jan. 1, 1899	1,466	970	67%	1,241	103	8.3%
Jan. 1, 1954	3,956	2,807	71%	2,294	138	6.3%
Mar. 24, 1955	3,956	3,358	85%	2,294	229	10%
Jan. 1, 1960	3,403	3,528	100%	1,842	234	12.7%
June 1, 1962	3,403	3,731	100%	1,842	236	12.8%

Total Votes Cast in First Gubernatorial Primary

1951	2,781	1959	2,693
1955	2,902	1963	2,662

Source and Explanation of Registration Statistics
Race Identification

The current registration books indicate race through January 1, 1962 and only sporadically thereafter. The current poll books do not indicate race except in the case of a few Negro registrants.

January 1, 1954

Negroes: 138

Source: Current Registration Books

Explanation: All Negroes registered prior to January 1, 1954 were counted. The total excludes 8 Negroes whose names are crossed out.

Whites: 2,807

Source: Current Registration Books

Explanation: All whites registered prior to January 1, 1954 were counted. The total excludes 760 whites whose names are crossed out.

[fol. 758] March 24, 1955

Negroes: 229

Source: Current Registration Books

Explanation: All Negroes registered prior to March 24, 1955 were counted. The total excludes eight Negroes whose names are crossed out.

Whites: 3,358

Source: Current Registration Books

Explanation: All whites registered prior to March 24, 1955 were counted. The total excludes 765 whites whose names are crossed out.

January 1, 1960

Negroes: 234

Source: Current Registration Books

Explanation: All Negroes registered prior to January 1, 1960 were counted. The total excludes 9 Negroes registered prior to January 1, 1960 whose names are crossed out.

Whites: 3,528

Source: Current Registration Books

Explanation: All whites registered prior to January 1, 1960 were counted. The total excludes 767 whites registered prior to January 1, 1960 whose names are crossed out. From comparison with the population figures it is clear that the total is inflated due to incomplete purging.

June 1, 1962

Negroes: 236

Source: Current Registration Books

Explanation: All Negroes registered prior to June 1, 1962 were counted. The total excludes 9 Negroes registered prior to June 1, 1962 whose names are crossed out.

Whites: 3,731

Source: Current Registration Books

Explanation: All whites registered prior to June 1, 1962 were counted. The total excludes 769 whites registered prior to June 1, 1962 whose names are crossed out. From comparison with the population figures it is clear that the total is inflated due to incomplete purging.

General Information

Name of Present Registrar: Mrs. Lois Foster

Date Present Registrar Took Office: January, 1944

Date Records were Photographed: August 1, 1963
[fol. 759] Description of Records Photographed:

Current Registration Books for Period:

1941 (approximately) to date

Current Poll Books for Period:

1941 (approximately) to date

Old Registration Books: None

Old Poll Books: None

Application Forms:

Number Made Available: 99

Period in Time They Cover:

Aug. 16, 1962 to July 13, 1963

[fol. 760]

Hinds #49

Date Current Registration Began: —, 1949

	Whites Over 21	Whites Reg'd	%	Negroes Over 21	Negroes Reg'd	%
Jan. 1, 1890	2,700			5,566		
Jan. 1, 1899	3,231	3,273	100%	8,225	220	2.68%
Jan. 1, 1954*	52,015			35,021	2,705	7.7%
Mar. 24, 1955*	52,015			35,021	3,547	10.1%
Jan. 1, 1960*	67,836			36,138		
June 1, 1962	67,836	56,363	83%	36,138	4,756	13.2%

Total Votes Cast in First Gubernatorial Primary

1951	23,098	1959	28,715
1955	26,518	1963	(incomplete)

* Counts are being made to supply the missing figures.

Source and Explanation of Registration Statistics Race Identification

The current registration books indicate the race of all registrants.

January 1, 1954

Negroes: 2,705

Source: Current Registration Books

Explanation: All Negroes registered prior to January 1, 1954 were counted. The total includes Negroes originally registered prior to January 1, 1954 who later transferred

to other precincts in the county. The total excludes 285 Negroes whose names are crossed out.

[fol. 761] March 24, 1955

Negroes: 3,547

Source: Current Registration Books

Explanation: All Negroes registered prior to March 24, 1955 were counted. The total excludes 374 Negroes registered prior to March 24, 1955 whose names are crossed out. June 1, 1962

Negroes: 4,347

Source: Current Registration Books

Explanation: All Negroes registered prior to June 1, 1962 were counted. The total excludes 414 Negroes registered prior to June 1, 1962 whose names are crossed out. H. T. Ashford, Jr., the Circuit Clerk of Hinds County, testified on July 30, 1963 in the trial of United States v. H. T. Ashford, Jr., et al., that there were about 5,000 Negroes registered.

Whites: 56,363

Source: Testimony of H. T. Ashford, Jr.

Explanation: In the course of the same testimony cited above, H. T. Ashford gave this figure for whites.

General Information

Name of Present Registrar: H. T. Ashford, Jr.

Date Present Registrar Took Office: January 1940

Date Records Were Photographed: January and June, 1963

Description of Records Photographed:

Current Registration Books for Period:

1949 to date of photographing

Current Poll Books for Period: 1962 to date

Old Registration Books for Period: 1900 to present

Old Poll Books for Period: 1900 to present

Application Forms

Number Made Available: About 5,000

Period of Time They Cover:

June 1961 (about) to present

[fol. 762]

Holmes #50

Date Current Registration Began: —,

	Whites Over 21	Whites Reg'd	%	Negroes Over 21	Negroes Reg'd	%
Jan. 1, 1890	1,712			4,750		
Jan. 1, 1899	1,987	2,092	100%	5,895	434	7.3%
Jan. 1, 1954	5,569	3,616	64.9%	11,468	8	.07%
Mar. 24, 1955	5,569	3,616	64.9%	11,468	8	.07%
Jan. 1, 1960	4,773	3,530	74.0%	8,757	8	.09%
June 1, 1962	4,773	3,530	74%	8,757	8	.09%

Total Votes Cast in First Gubernatorial Primary

1951	3,646	1959	3,538
1955	3,622	1963	3,739

Source and Explanation of Registration Statistics

Race Identification

The only records photographed have been the poll tax payers list for the years 1954-1962. Race of poll tax payers is reflected on the 1961 and 1962 lists. The list contained the names of only white poll tax payers with the exception of two persons who were identified as being of Mongolian extraction and one whose race was not indicated.

January 1, 1954

Negroes: 8

Source: Henry B. McClellan, Circuit Clerk and Registrar of Holmes County

Explanation: On July 18, 1963, Henry B. McClellan, Circuit Clerk and Registrar of Holmes County told John Doar at his office in Lexington, Mississippi that prior to the summer of 1963 only 8 Negroes were registered and they registered between 1947 and 1954.

White: 3,616

Source: Henry B. McClellan, Circuit Clerk and Registrar of Holmes County
Primary Election Figures.

[fol. 763] Explanation: The minimum number of white persons registered was estimated by subtracting the total number of Negroes registered from the total vote cast for candidates for governor in the first primary August 1955.

Mar. 24, 1955

Negroes: 8

Source: Henry B. McClellan, Circuit Clerk and Registrar of Holmes County.

Explanation: On July 18, 1963, Henry B. McClellan, Circuit Clerk and Registrar of Holmes County told John Doar at his office in Lexington, Mississippi that prior to the summer of 1963 only 8 Negroes were registered and they registered between 1947 and 1948.

Whites: 3,616

Source: Henry B. McClellan, Circuit Clerk and Registrar and 1955 First Primary Election Figures.

Explanation: The minimum number of white persons registered was estimated by subtracting the total number of Negroes registered from the total votes cast for candidates for governor in the first primary August 1955.

January 1, 1960

Negroes: 8

Source: Henry B. McClellan, Circuit Clerk and Registrar of Holmes County

Explanation: On July 18, 1963, Henry B. McClellan, Circuit Clerk and Registrar of Holmes County told John Doar at his office in Lexington, Mississippi that prior to the summer of 1963 only 8 Negroes were registered and they registered between 1947 and 1948.

Whites: 3,530

Source: Henry B. McClellan, Registrar and 1959 First Primary Election Figures

Explanation: The minimum number of white persons registered was estimated by subtracting the total number of Negroes registered from the total votes cast for candidates for governor in the first primary August 1959.

June 1, 1962

Negroes: 8

Source: Henry B. McClellan, Registrar of Holmes County

Explanation: On July 18, 1963, Henry B. McClellan, Circuit Clerk and Registrar of Holmes County told John Doar at his office in Lexington, Mississippi that prior to the summer of 1963 only 8 Negroes were registered and they registered between 1947 and 1948.

[fol. 764] Whites: 3,530

Source: Henry B. McClellan, Registrar and 1959 First Primary Election Figures

Explanation: The minimum number of white persons registered was estimated by subtracting the total number of Negroes registered from the total votes cast for candidates for governor in the first primary in August 1959.

General Information

Name of Present Registrar: Henry B. McClellan

Date Present Registrar Took Office: 1956

Date Records Were Examined: July 18, 1963*

Description of Records Photographed:

Current Registration Books for Period: None

Current Poll Books for Period: None

Old Registration Books: None

Old Poll Books: None

Old Poll Tax Payers Lists: 1954-1962

Application Forms: None

Note: The highest number of poll tax receipts for 1961 was 2,713 and for 1963 was 3,002.

[fol. 765]

Leake #51

Date Current Registration Began: —, 1958

	Whites Over 21	Whites Reg'd	%	Negroes Over 21	Negroes Reg'd	%
Jan. 1, 1890	1,907			973		
Jan. 1, 1899	2,303	2,413	100%	1,127	422	27%
Jan. 1, 1954	7,409	7,238	98%	3,835	94	2.45%
Mar. 24, 1955	7,409	5,002	68%	3,835	185	4.8%
Jan. 1, 1960	6,754	4,945	73%	3,397	108	3.2%
June 1, 1962	6,754	5,927	88%	3,397	116	3.4%

Total Votes Cast in First Gubernatorial Primary

1951		1959	5,053
1955	5,187	1963	4,912

* Scheduled to be photographed.

Source and Explanation of Registration Statistics

Race Identification

The current registration books indicate race until January 1, 1960. Thereafter, there are some lapses where the race column is not completed. All Negroes who filled out application forms and registered between January 1, 1960 and June 1, 1962 were identified by the Circuit Clerk and Registrar, L. H. Collier. Therefore, all other names in the registration book whose race is not designated are white.

January 1, 1954

Negroes: 94

Source: Current Registration Books

Explanation: All Negroes registered prior to January 1, 1954 were counted. The total does not include seven Negroes whose names were crossed out and three duplicate entries.

White: 7,238

Source: Current Registration Book

Explanation: All whites registered prior to January 1, 1954 were counted. The total does not include 98 white persons whose names were crossed out.

[fol. 766] March 24, 1955

Negroes: 185

Source: Current Registration Books

Explanation: All Negroes registered prior to March 24, 1955 were counted. The total does not include Negroes whose names are crossed out.

Whites: 5,002

Source: Current Registration Books and 1955 Primary Election figures.

Explanation: The minimum number of white persons registered was estimated from the total number of votes cast in the first gubernatorial primary in August 1955 less the number of Negroes registered prior to March 24, 1955. The total number of names of white persons in the current

registration books registered prior to March 24, 1955 whose names were not crossed out was 8,032.

January 1, 1960

Negroes: 108

Source: Current Registration Books

Explanation: All Negroes who registered prior to January 1, 1960 were counted. The total does not include Negroes whose names were crossed out. The explanation for the decline in Negro registration between March 24, 1955 and January 1, 1960 is that two precincts, Carthage and East Carthage, were divided during this period into four new precincts. Very few of the Negro names in the two old precincts appear in the four new precincts.

White: 4,945

Source: Current Registration Books and 1959 Primary Election figures.

Explanation: The minimum number of white persons registered was estimated from the total number of votes cast in the first gubernatorial primary in August 1959 less the number of Negroes registered prior to January 1, 1960.

June 1, 1962

Negroes: 116

Source: Current Registration Books and statement of Registrar.

Explanation: All Negroes registered prior to June 1, 1962 were counted. This total is inflated. The names of only 41 of the 116 Negroes appear in the current poll books even though persons who are delinquent in the payment of poll tax appear in the current poll books.

Whites: 5,927

Source: Current Poll Books

[fol. 767] Explanation: The total number of names in the current poll books were counted and 41 names were subtracted as they were Negroes.

Note: Immediately prior to the first August 1963 gubernatorial primary, L. H. Collier stated, according to the Carthaginian, the county newspaper, that there were 5,841 qualified voters in Leake County.

General Information

Name of Present Registrar : L. H. Collier
 Date Present Registrar Took Office : January 1, 1960
 Date Records Were Photographed : December 13, 1962
 Description of Records Photographed :

Current Registration Books for Period :

1948 to December 13, 1962.

Current Poll Books for Period :

1960 to December 13, 1962

Old Registration Books for Period : 1934 to 1948

Old Poll Books for Period : None

Application Forms :

Number Made Available : 169

Period of Time they Cover :

January 3, 1960 to December 11, 1962

[fol. 768]

Madison #53

Date Current Registration Began : February, 1957

	Whites Over 21	Whites Reg'd	%	Negroes Over 21	Negroes Reg'd	%
Jan. 1, 1890	1,428			3,942		
Jan. 1, 1899	1,603	1,150	71%	5,086	125	2.5%
Jan. 1, 1954	5,606	3,880	69%	11,586	279	2.4%
Mar. 24, 1955	5,606	4,302	77%	11,586	476	3.8%
Jan. 1, 1960	5,622	4,568	81%	10,366	120	1.1%
June 1, 1962	5,622	5,458	97%	10,366	121	1.1%

Total Votes Cast in First Gubernatorial Primary

1951	3,410	1959	3,521
1955	3,679	1963	(Incomplete returns)

Source and Explanation of Registration Statistics

Race Identification

Current registration books and current poll books indicate race through 1958 and sporadically through 1959.

January 1, 1954

Negroes: 279

Source: Old registration books, old primary poll books and old general poll books.

Explanation: All Negroes registered prior to January 1, 1954 were counted. The total excludes Negroes whose names were crossed out on the records. Because old registration books were available for only a few precincts, figures for the remaining precincts were taken from the old primary and old general poll books.

Whites: 3,880

Source: Old registration books, old primary poll books, and old general poll books.

[fol. 769] Explanation: All white persons registered prior to January 1, 1954 were counted. The total excludes white persons whose names were crossed out on the records. Because old registration books were available for only a few precincts, figures for the remaining precincts were taken from the old primary and old general poll books.

March 24, 1955

Negroes: 476

Source: Old registration books, old primary poll books and old general poll books.

Explanation: All Negroes registered prior to March 24, 1955 were counted. The total excludes Negroes whose names were crossed out on the records. Because old registration books were available for only a few precincts, figures for the remaining precincts were taken from the old primary and old general poll books.

Whites: 4,302

Source: Old registration books, old primary poll books, old general poll books.

Explanation: All white persons registered prior to March 24, 1955 were counted. The total excludes white persons whose names were crossed out on the records. Because old registration books were available for only a few precincts, figures for the remaining precincts were taken from the old primary and old general poll books.

January 1, 1960**Negroes: 120****Source: Current Registration books (1957 to date of photographing)**

Explanation: All Negroes who were shown to be registered in the current registration books prior to January 1, 1959 were counted. No names which appear on the current registration books as crossed out are included in this total.

Whites: 4,568**Source: Current registration books**

Explanation: All white persons registered prior to January 1, 1959 were counted. It was also possible by examination of registration records to identify as white persons, twenty-five registrants who registered between January 1, 1959 and January 1, 1960 even though systematic race identification ceases in the books on or about January 1, 1959. Four hundred and sixteen persons who registered between January 1, 1959 and January 1, 1960 were not identified by race on the registration records. These names are included in the white total for January 1, 1960 as the government believes that the vast majority if not all of them are white. Names which appear on the current registration books as crossed out are not included in this total.

[fol. 770] January 1, 1962**Negroes: 121****Source: Current registration books, application forms (July 6, 1960-June 1, 1962, inclusive)**

Explanation: The Negro figure for this date represents the total number of Negroes who registered prior to January 1, 1959 and whose names are not crossed out (120). The one additional Negro person was identified by examination of accepted application forms for the period July 5, 1960 to June 1, 1962 inclusive.

Whites: 5,458**Source: Current Registration Books**

Explanation: This figure represents the total number of white persons registered prior to January 1, 1959 and

thirty-five names identified as white (4,162), who registered after January 1, 1959 when race identification became sporadic. The additional 1,360 names counted represent all persons registered between January 1, 1959 and June 1, 1962 less the one name identified as Negro. No names which appear on the current registration books and are crossed out are included in this total.

Note: Because it cannot be determined from the records whether systematic or accurate elimination for death or transfer has been practiced in Madison County, some inflation in these figures is probable.

General Information

Name of Present Registrar: L. F. Campbell

Date Present Registrar Took Office: January 1956

Date Records Were Photographed: June 17, 18, and 21, 1963

Description of Records Photographed:

Current Registration Books for Period:

1957 to date of photographing

Current Poll Books for Period:

Primary—1957 to date of photographing

General—January 1957 to date of photographing

Application Forms:

Number Made Available: 502

Period of Time They Covered:

July 5, 1960—June 21, 1963

[fol. 771]

Pike #54

Date Current Registration Began: —, 1937

	Whites Over 21	Whites Reg'd	%	Negroes Over 21	Negroes Reg'd	%
Jan. 1, 1890	2,390			1,829		
Jan. 1, 1899	3,310	3,312	100%	2,632	322	12.2%
Jan. 1, 1954	12,147	5,924	48%	7,608	76	.1%
Mar. 24, 1955	12,147	6,683	54%	7,608	100	.13%
Jan. 1, 1960	12,163	7,147	59%	6,936	97	.14%
June 1, 1962	12,163	7,864	65%	6,936	150	.22%

Total Votes Cast in First Gubernatorial Primary

1951	6,788	1959	6,731
1955	6,826	1963	7,075

Source and Explanation of Registration Statistics

Race Identification

The current registration books, current poll books and old poll books indicate race for many registrants between 1955 and 1962. Those registrants unidentified by race in the books were identified by checking the area where the registrant lives, and by interviewing various Negroes who had lived a long time in the county.

January 1, 1954

Negroes: 76

Source: 1954-1962 Poll Books

Explanation: All Negroes registered prior to January 1, 1954 were counted. The total includes seven Negroes registered prior to January 1, 1954 whose names are crossed out.

Whites: 5,868

Source: 1954-1962 Poll Books

[fol. 772] Explanation: All whites registered prior to January 1, 1954 were counted. The total includes 1,389 whites whose names are crossed out. The total includes 56 persons registered prior to January 1, 1954 who are unidentified by race in the books.

March 24, 1955

Negroes: 100

Source: 1954-1962 Poll Books

Explanation: All Negroes registered prior to March 24, 1955 were counted. The total includes seven Negroes registered prior to March 24, 1955 whose names are crossed out.

Whites: 5,103

Source: 1954-1962 Poll Books

Explanation: All whites registered prior to March 24, 1955 were counted. The total includes 1,586 whites registered prior to March 24, 1955 whose names are crossed out. The total includes 132 people registered prior to March 24, 1955 who are unidentified by race in the books.

January 1, 1960

Negroes: 97

Source: 1954-1962 Poll Books

Explanation: All Negroes registered prior to January 1, 1960 were counted. Race is not identified in the poll books for most of the period 1955-1960. Addresses of registrants as entered in the registration books were checked against known Negro areas in Pike County. The names of Pike County Negroes known to the Government were checked against the registration book for this period. Four Negroes, registered between March 24, 1955 and January 1, 1960, were discovered. The total includes these four and excludes seven Negroes registered prior to January 1, 1960 (and prior to March 24, 1955) whose names are crossed out.

Whites: 7,279

Source: 1954-1962 Poll Books

Explanation: All whites registered prior to January 1, 1960 were counted. The total excludes 1,741 persons registered prior to January 1, 1960 whose names are crossed out. The total includes 1,903 persons registered between March 24, 1955 and January 1, 1960, but unidentified by race.

June 1, 1962

Negroes: 150

Source: Current Poll Books

[fol. 773] Explanation: All Negroes registered prior to June 1, 1962 were counted. The total includes 53 Negroes registered between January 1, 1960 and June 1, 1962.

Whites: 7,864

Source: Current Poll Books

Explanation: All persons registered between January 1, 1960 and June 1, 1962 were counted. The 53 Negroes registered in this period were subtracted. The remainder, 717, was added to the figure for white registration as of January 1, 1960. The addresses of the 717 were checked by the FBI and all were found to live in white areas. A list of the 717 was circulated among Negro leaders and none was recognized as Negroes.

General Information

Name of Present Registrar: Wendell Holmes

Date Present Registrar Took Office: 1942

Date Records Were Photographed:

June 18, 1962, December 12, 1962

Description of Records Photographed:

Current Registration Books for Period:

1937 to date of photographing

Current Poll Books for Period:

1962 to date of photographing

Old Registration Books: None

Old Poll Books: 1954-1962

Application Forms:

Number Made Available:

Period of Time They Cover:

[fol. 774]

Rankin #55

Date Current Registration Began: —, 1954

	Whites Over 21	Whites Reg'd	%	Negroes Over 21	Negroes Reg'd	%
Jan. 1, 1890	1,639			1,825		
Jan. 1, 1899	1,919	2,182	100%	2,301	276	12%
Jan. 1, 1954	9,829	5,711	58%	7,295	33	.45%
Mar. 24, 1955	9,829	5,711	58%	7,295	43	.59%
Jan. 1, 1960	13,246	10,000	75%	6,944	66	.95%
June 1, 1962	13,246	12,000	90%	6,944	94	1.35%

Total Votes Cast in First Gubernatorial Primary

1951	5,545	1959	5,342
1955	5,308	1963	8,669

Source and Explanation of Registration Statistics

Race Identification

The current registration books and current poll books indicate the race of all registrants.

January 1, 1954

Negroes: 33

Source: Master's Thesis of James F. Barnes submitted at the University of Mississippi in August 1955.

Explanation: The thesis cited above indicates that 33 Negroes were registered.

Whites: 5,711

Source: 1955 Primary election figures and current Registration Books.

Explanation: All Negroes registered prior to March 24, 1955 were counted. The resultant total was subtracted from the total number of votes cast for candidates for Governor in the first primary of August 1955. The remainder is a minimum figure for white registration.

[fol. 775] March 24, 1955

Negroes: 43

Source: Current Registration Books

Explanation: All Negroes registered prior to March 24, 1955 were counted in the current Registration Books by

Frank E. Schwelb, Attorney for the Government in the Rankin County Circuit Clerk's office on May 30, 1963. Of these, 31 were crossed out. Seventeen of these 31 had notations, "Not Registered" or "Not re-registered". The other 14 were crossed out without explanation. The Negro total is a sum of the 29 persons not crossed out and the 14 crossed out without explanation. The re-registration referred to in the reference to the 17 not included, began in 1954.

Whites: 5,711

Source: 1955 Primary Election figures and current Registration Books

Explanation: The minimum number of white persons registered was estimated from the total number of votes cast in the first gubernatorial primary in August 1955 less the number of Negroes registered prior to March 24, 1955.

January 1, 1960

Negroes: 66

Source: Current Registration Books

Explanation: All Negroes registered between March 24, 1955 and January 1, 1960 were counted. The resultant figure was added to the 29 Negroes registered prior to March 24, 1955 whose names are not crossed out. The total excludes 17 Negroes not re-registered. The total further excludes the 14 crossed out without explanation.

Whites: 10,000

Source: Testimony of J. R. Bradshaw in U. S. v. Edwards.

Explanation: The number of white persons registered is based on the testimony given by the Rankin County Circuit Clerk, J. R. Bradshaw, in the trial of U.S. v. Edwards on May 18, 1963 (Transcript page 87). "The last time that I have a definite check was September a year ago and there were 11,000 and something, but it's my opinion that its close to 13,000 now".

June 1, 1962

Negroes: 94

Source: Current Registration Books

Explanation: All Negroes registered prior to June 1,

1962 were counted by Frank E. Schwelb, Attorney for the Government, in the Rankin County Circuit Clerk's office on May 30, 1963.

Whites: 12,000

Source: Testimony of J. R. Bradshaw, in U.S. v. Edwards

[fol. 776] Explanation: The number of white persons registered is based on the testimony given by the Rankin County Circuit Clerk, J. R. Bradshaw, in the trial of U. S. v. Edwards on May 18, 1963 (Transcript page 87). "The last time that I have a definite check was September a year ago and there were 11,000 and something, but it's my opinion that its close to 13,000 now".

General Information

Name of Present Registrar: J. R. Bradshaw

Date Present Registrar Took Office: January 1, 1956

Dates Records were Photographed:

Scheduled for photographing

Description of Records Photographed:**

Current Registration Books for Period:

Current Primary Poll Books:

Old Registration Books:

Old Poll Books:

Application Forms: ●

Number made available:

Period in Time They Cover:

** These records were examined by plaintiff's attorneys and are scheduled for photographing.

[fol. 777]

Clarke #59

Date Current Registration Began: —, 1953

	Whites Over 21	Whites Reg'd.	%	Negroes Over 21	Negroes Reg'd.	%
Jan. 1, 1890	1,543			1,356		
Jan. 1, 1899	1,936	1,822	94%	1,574	32	2%
Jan. 1, 1954	6,699	3,435	52%	3,849	0	0%
Mar. 24, 1955	6,699	3,856	58%	3,849	0	0%
Jan. 1, 1960	6,072	4,611	77%	2,998	0	0%
June 1, 1962	6,072	5,000	83%	2,998	1	.03%

Total Votes Cast in First Gubernatorial Primary

1951	4,587	1959	4,540
1955	4,430	1963	4,358

Source and Explanation of Registration Statistics

Race Identification

The current registration books and current poll books indicate the race of all registrants.

January 1, 1954

Negroes: 0

Source: Current Registration Books

Explanation: No Negroes registered prior to January 1, 1954 appear in the registration books.

Whites: 3,435

Source: Current Registration Books

Explanation: All whites registered prior to January 1, 1954 were counted. The total includes whites registered prior to January 1, 1954 whose names are crossed out. Duplications due to transfers from one precinct to another within the county were eliminated by typing cards for every name in the books, arranging these cards alphabetically, and eliminating extra cards for people who had transferred within the county.

[fol. 778] March 24, 1955

Negroes: 0

Source: Current Registration Books

Explanation: No Negroes registered prior to March 24, 1955 appear in the registration book.

Whites: 3,856

Source: Current Registration Books

Explanation: All whites registered prior to March 24, 1955 were counted. Duplications due to transfers from one precinct to another within the county were eliminated by typing cards for every name in the books, arranging these cards alphabetically, and eliminating extra cards for people who had transferred within the county.

January 1, 1960

Negroes: 0

Source: Current Registration Books

Explanation: No Negroes registered prior to January 1, 1960 appear in the registration book.

White: 4,611

Source: Current Registration Book and testimony of A. L. Ramsey in U. S. v. Ramsey, et al.

Explanation: All whites registered between January 1, 1960 and June 1, 1962 were counted. The resultant total was subtracted from the registration figure for June 1, 1962 to give the registration figure for January 1, 1960.

June 1, 1962

Negroes: 1

Source: Current Registration Book

Explanation: One Negro registered prior to June 1, 1962 (Samuel Owen, Enterprise Precinct, Date Registered, June 29, 1961).

Whites: 5,000

Source: Testimony of A. L. Ramsey in U. S. v. Ramsey, et al.

Explanation: The white figure for this date is based on the testimony of A. L. Ramsey, Circuit Clerk of Clarke County, given in the trial of U. S. v. Ramsey, et al, No. 1084, Southern District of Mississippi on December 27, 1962. (See page 1157 of Record on Appeal.

General Information

Name of Present Registrar: A. L. Ramsey
 Date Present Registrar Took Office: October 6, 1953
 [fol. 779] Dates Records were Photographed:

July 11 and 12, 1962

Description of Records:

Current Registration Books for Period: 1953 to date
 Current Poll Books for Period:

1960 to date of photographing

Old Registration Books for Period: 1900 to 1953

Old Poll Books: None

Application Forms:

Number Made Available: 180

Period of Time They Cover:

May 8, 1960 to July, 1962

[fol. 780] Kemper #61

Date Current Registration Began: —, 1953

	Whites Over 21	Whites Reg'd	%	Negroes Over 21	Negroes Reg'd	%
Jan. 1, 1890	1,654			1,751		
Jan. 1, 1899	1,887	1,820*	98.5%	2,147	243*	11.3%
Jan. 1, 1954	3,816	3,041	79%	4,023	30	.2%
Mar. 24, 1955	3,816	3,628	95%	4,023	25	.6%
Jan. 1, 1960	3,113	3,213	100%	3,221	29	.9%
June 1, 1962	3,113	3,224	100%	3,221	30	.9%

Total Votes Cast in First Gubernatorial Primary

1951	3,633	1959	3,242
1955	3,648	1963	2,658

* 1896 registration figures—1899 figures were not available.

Source and Explanation of Registration Statistics

Race Identification

The current registration books generally indicate race but race is omitted for some registrants. The current poll books do not indicate race.

January 1, 1954

Negroes: 10

Source: Current Registration Books

Explanation: All Negroes registered prior to January 1, 1954 were counted. No names of Negroes registered prior to January 1, 1954 are crossed out.

[fol. 781] Whites: 3,041

Source: Current Registration Books

Explanation: All whites registered prior to January 1, 1954 were counted. The total includes 25 whites whose names are crossed off. The total excludes 262 persons registered prior to January 1, 1954 who are unidentified by race.

March 24, 1955

Negroes: 25

Source: Current Registration Books

Explanation: All Negroes registered prior to March 24, 1955 were counted. No names were crossed out.

White: 3,625

Source: 1955 Primary election figures and Current Registration Books

Explanation: The minimum number of white persons registered was estimated from the total number of votes cast for candidates for Governor in the first primary of August 1955 less the total number of known Negroes registered as of March 24, 1955. 801 persons registered prior to March 24, 1955 appear in the book without race identification.

January 1, 1960

Negroes: 29

Source: Current Registration Book

Explanation: All Negroes registered prior to January 1, 1960 were counted. No names are crossed out.

Whites: 3,213

Source: 1959 Primary election figures and Current Registration Book

Explanation: The minimum number of white persons registered was estimated from the total votes cast for candi-

dates for Governor in the August 1959 primary less the number of known Negroes registered as of June 1, 1960. 1,131 persons registered prior to January 1, 1960 appear in the book without race identification.

[fol. 782] June 1, 1962

Negroes: 30

Source: Current Registration Book

Explanation: All Negroes registered prior to June 1, 1962 were counted. No names are crossed out.

Whites: 3,224

Source: 1959 Primary election figures and Current Registration Book

Explanation: All whites registered between January 1, 1960 and June 1, 1962 were counted. The resultant figure was added to the white registration figure for January 1, 1960. The total includes persons who voted in 1959 but died or moved away before June 1, 1962. The total excludes 119 persons unidentified by race who registered between January 1, 1960 and June 1, 1962.

General Information

Name of Present Registrar: James G. Palmer

Date Present Registrar Took Office: 1953 (approximately)

Date Records Were Photographed: July 29, 1963

Description of Records Photographed:

Current Registration Books for Period: 1953 to date

Current Poll Books for Period: 1953 to July 29, 1963

Old Registration Books: None

Old Poll Books: None

Application Forms:

Number Made Available: 300

Period of Time They Cover:

June 3, 1960 to July 8, 1963

[fol. 783]

Lauderdale #62

Date Current Registration Began: —, 1948

	Whites Over 21	Whites Reg'd	%	Negroes Over 21	Negroes Reg'd	%
Jan. 1, 1890	3,507			2,914		
Jan. 1, 1899	4,664	2,896	60%	3,858	386	10%
Jan. 1, 1954	26,596	11,850	45%	12,965	1,282	9.9%
Mar. 24, 1955	26,596	11,850	45%	12,965	1,542	12%
Jan. 1, 1960	27,806			11,924		
June 1, 1962	27,806			11,924		

Total Votes Cast in First Gubernatorial Primary

1951	12,933	1959	13,253
1955	13,394	1963	15,456

*1960 and 1962 figures not yet available because of race identification problem.

Source and Explanation of Registration Statistics

Race Identification

The current registration books indicate race through 1955. We have not yet identified the race of registrants subsequent to 1955.

January 1, 1954

Negroes: 1,282

Source: Current Registration Book

Explanation: All Negroes registered prior to January 1, 1954 were counted. The total excludes 98 Negroes whose names are crossed out.

White: 11,850

Source: 1955 Primary Election Figures and Current Registration Book.

Explanation: The minimum number of whites registered was estimated by subtracting the number of Negroes registered prior to March 24, 1955 from the total number of votes cast for candidates for governor in the first August 1955 primary.

[fol. 784] March 24, 1955

Negroes: 1,542

Source: Current Registration Book

Explanation: All Negroes registered prior to March 24,

1955 were counted. The total excludes 116 Negroes whose names are crossed out.

Whites: 11,850

Source: Current Registration Book and 1955 Primary Election Figures.

Explanation: The minimum number of whites registered was estimated by subtracting the number of Negroes registered prior to March 24, 1955 from the total number of votes cast for candidates for governor in the first August 1955 primary.

General Information

Name of Present Registrar: Preston P. Coleman

Date Present Registrar Took Office: 1952

Dates Records Were Photographed: December 6 and 7, 1962

Description of Records:

Current Registration Books for Period:

1948 to date of photographing

Current Poll Books for Period: None

Old Registration Books for Period: None

Old Poll Books for Period: None

Application Forms:

Number Made Available: 770

Period in Time They Cover:

Jan. 9, 1960 to Dec. 17, 1962

Note: 1960 and 1962 figures not yet available because of race identification problem.

[fol. 785]

Newton #64

Date Current Registration Began: —, 1945

	Whites Over 21	Whites Reg'd	%	Negroes Over 21	Negroes Reg'd	%
Jan. 1, 1890	2,096			1,163		
Jan. 1, 1899	2,519	2,572	100%	1,453	82	5.6%
Jan. 1, 1954	8,727	4,511	52%	3,687	79	2.1%
March 24, 1955	8,727	4,874	56%	3,687	100	2.7%
Jan. 1, 1960	8,014	5,003	62%	3,018	103	2.8%
June 1, 1962	8,014	5,700	71%	3,018	104	2.8%

Total Votes Cast in First Gubernatorial Primary

1951	4,731	1959	5,029
1955	4,974	1963	5,147

Source and Explanation of Registration Statistics

Race Identification

The current registration books indicate the race of all registrants through November 1962.

January 1, 1954

Negroes: 79

Source: Current Registration Books

Explanation: All Negroes registered prior to January 1, 1954 were counted.

Whites: 4,511

Source: Current Registration Books and 1955 Primary Election Totals

Explanation: The minimum number of white persons registered was estimated from the total number of votes cast for candidates for governor in the first primary of August 1955 less the 79 Negroes registered as of March 24, 1955 less 363 whites shown in the registration books to have been registered between January 1, 1954 and March 24, 1955.

[fol. 786] March 24, 1955

Negroes: 100

Source: Current Registration Books

Explanation: All Negroes registered prior to March 24, 1955 were counted.

Whites: 4,874

Source: Current Registration Books and 1955 Primary Election Totals

Explanation: The minimum number of white persons registered was estimated from the total number of votes cast for candidates for governor in the first primary in August 1955 less the total number of Negroes shown in the current registration books to have been registered as of March 24, 1955

January 1, 1960

Negroes: 103

Source: Current Registration Book

Explanation: All Negroes registered prior to January 1, 1960 were counted.

Whites: 5,003

Source: Current Poll Books

Explanation: All white persons registered prior to January 1, 1960 were counted.

June 1, 1962

Negroes: 104

Source: Current Registration Books

Explanation: All Negroes registered prior to June 1, 1962 were counted.

Whites: 5,700

Source: Current Poll Books

Explanation: All whites registered prior to June 1, 1962 were counted.

Note: It was impossible to use the current registration books in compiling the figures for white persons registered. No names are crossed out in the books and the totals they give are substantially inflated. For example, the registration books indicate that 12,949 white persons were registered as of June 1, 1962 (white over 21 population 8,014). On the other hand, the poll book figures used for the 1960 and 1962 dates may be somewhat low as the poll books were re-done in 1963 and do not show poll tax delinquents.

[fol. 787] Note: The registration books were used throughout in compiling the figures for Negroes. The figures are thus subject to the same degree of inflation discussed above.

General Information

Name of Present Registrar: W. Harold Webb

Date Present Registrar Took Office: 1948

Date Records Were Photographed: August 12, 1963

Description of Records Photographed:

Current Registration Books for Period:

1945 to date of photographing

Current Poll Books for Period: 1963

Old Poll Books for Period: None

Old Registration Books for Period: None

Application Forms:

Number Made Available: 250

Period in Time They Cover:

1961 to date of photographing

[fol. 788]

Covington #67

Date Current Registration Began: —, 1949

	Whites Over 21	Whites Reg'd	%	Negroes Over 21	Negroes Reg'd	%
Jan. 1, 1890	1,053			487		
Jan. 1, 1899	1,935	1,526	79%	944	497	50%
Jan. 1, 1954	5,932	4,441	75%	2,354	436	18.5%
Mar. 24, 1955	5,932	4,973	84%	2,354	665	28%
Jan. 1, 1960	5,329	3,640	68%	2,032	687	34%
June 1, 1962	5,329	3,991	75%	2,032	702	35%

Total Votes Cast in First Gubernatorial Primary

1951	4,472	1959	4,327
1955	4,559	1963	4,183

Source and Explanation of Registration Statistics

Race Identification

The current registration books and current poll books indicate race of all registrants.

January 1, 1954

Negroes: 436

Source: Current Registration Books

Explanation: All Negroes registered prior to January 1, 1954 were counted. The total excludes eight Negroes whose names are crossed out.

[fol. 789] Whites: 4,441

Source: Current General and Primary Poll Books

Explanation: All whites registered prior to January 1, 1954 were counted. The count was made in the General Poll Books and in precincts where these are illegible, the count was made in the Primary Poll Books. The total excludes 469 whites registered prior to January 1, 1954 whose names are crossed out.

March 24, 1955

Negroes: 665

Source: Current Registration Books

Explanation: All Negroes registered prior to March 24, 1955 were counted. The total excludes 22 Negroes registered prior to March 24, 1955 whose names are crossed out.

Whites: 4,973

Source: Current General and Primary Poll Books

Explanation: All whites registered prior to March 24, 1955 were counted. The count was made in the General Poll Books and in precincts where these are illegible, the count was made in the Primary Poll Books. The total excludes 524 whites registered prior to March 24, 1955 whose names are crossed out.

January 1, 1960

Negroes: 687

Source: Current Registration Books

Explanation: All Negroes registered prior to January 1, 1960 were counted. The total excludes 22 Negroes registered prior to January 1, 1960 whose names are crossed out.

Whites: 3,640

Source: 1959 Primary Election Totals for Candidates for Governor and Current Registration Books

Explanation: The minimum number of white persons registered was obtained by subtracting the total number of Negroes registered on January 1, 1960 from the total number of votes cast for candidates for Governor in the first primary in August, 1959

[fol. 790] June 1, 1962

Negroes: 702

Source: Current Registration Books

Explanation: All Negroes registered prior to June 1, 1962 were counted. The total excludes 22 Negroes registered prior to June 1, 1962 whose names are crossed out.

Whites: 3,640

Source: 1959 Primary Election Totals for Candidates for Governor and Current Registration Books and Current Poll Books

Explanation: The minimum number of white persons registered was obtained by subtracting the total number of Negroes registered on January 1, 1960 from the total number of votes cast for candidates for Governor in the first primary in August 1959, and adding the total number of white persons (351) whose names appear on the current poll books as having registered between January 1, 1960 and June 1, 1962.

Note: The registration and poll books were not accurately purged. Therefore, election figures had to be used for the 1960 and 1962 dates in the case of white registration. The poll book counts of white persons registered on those dates were 6,025 and 6,376.

General Information

Name of Present Registrar: A. B. Gordon

Date Present Registrar Took Office: 1960

Date Records were Photographed: July 22, 1963

Description of Records Photographed:

Current Registration Books for Period: 1949 to date

Current Poll Books for Period (Primary): 1949 to date

Current Poll Books for Period (General): 1949 to date

Old Registration Books: None

Old Poll Books: None

Application Forms:

Number Made Available:

Period of Time They Cover:

June 25, 1962 to date of photographing

[fol. 791]

Forrest #68

Date Current Registration Began: —, 1949

	Whites Over 21	Whites Reg'd	%	Negroes Over 21	Negroes Reg'd	%
Jan. 1, 1890						
Jan. 1, 1899						
Jan. 1, 1954	19,708	9,123	46%	7,406	7	.09%
March 24, 1955	19,708	9,123	46%	7,406	12	.16%
Jan. 1, 1960	22,431	10,385	46%	7,495	12	.16%
June 1, 1962	22,431	12,655	57%	7,495	22	.3%

Total Votes Cast in First Gubernatorial Primary

1951	8,836	1959	10,397
1955	9,135	1963	10,925

*Forrest County does not appear from the records to have been formed until after 1900.

Source and Explanation of Registration Statistics**Race Identification**

The current registration book indicates race.

January 1, 1954

Negroes: 7

Source: Current Registration Book

Explanation: All Negroes registered prior to January 1, 1954 were counted.

Whites: 9,123

Source: 1955 Primary Election figures and Current Registration Book

Explanation: The minimum number of white people registered was estimated from the total number of votes cast for candidates for governor in the first primary in August 1955 (9,135) less the number of Negroes shown in the registration book to have registered prior to August 1955 (12).

[fol. 792] March 24, 1955

Negroes: 12

Source: Current Registration Books

Explanation: All Negroes (5) registered between January 1, 1954 and March 24, 1955 were counted on May 26, 1955 in the current registration book by agents of the FBI. The Negro registration figure for this date is the sum of these 5 Negroes and the 7 registered prior to January 1, 1954.

Whites: 9,123

Source: 1955 Primary Election Figures and Current Registration Book.

Explanation: The minimum number of white people registered was estimated from the total number of votes cast for candidates for governor in the first primary in August 1955 (9,135) less the number of Negroes shown in the registration book to have registered prior to August 1955 (12).

January 1, 1960

Negroes: 12

Source: Current Registration Book

Explanation: Finding of Fact 6.0 in the contempt findings in U. S. v. Lynd stated: "The records, which until March 18, 1962 reflected race of the registrants, show that with the exception of two transfers, no Negroes registered in Forrest County between February 13, 1954 and April 18, 1962."

Whites: 10,385

Source: 1959 Primary Election Figures and Current Registration Book

Explanation: The minimum number of white people registered was estimated from the total number of votes cast for candidates for governor in the first primary in August 1959 (10,397) less the number of Negroes registered as of August 1959 (12).

June 1, 1962

Negroes: 22

Source: Current Registration Book

Explanation: All Negroes registered prior to June 1, 1962 were counted.

Whites: 12,655

Source: Statement of Theron B. Lynd to the Hattiesburg American.

Explanation: Mr. Lynd told the Hattiesburg American that there were 12,677 qualified voters on June 1, 1962, the figure given in the table for white registration is 12,677 less the 22 Negroes registered as of June 1, 1962. (See Hattiesburg American, April 5, 1963). This total does not include persons delinquent in payment of poll taxes.

[fol. 793] General Information

Name of Present Registrar : Theron B. Lynd

Date Present Registrar Took Office : February 28, 1959

Date Records were Photographed : March 1962 ; July, 1962.

Description of Records Photographed :

Current Registration Books for Period :

1949 to date of photographing

Current Primary Poll Books for Period :

1949 to date of photographing

Old Registration Books : None

Old Poll Books : None

Application Forms :

Number Made Available : Approximately 1,000

Period of Time They Cover :

November 8, 1960 to August, 1962

[fol. 794] Greene #69

Date Current Registration Began : September, 1963

	Whites Over 21	Whites Reg'd	%	Negroes Over 21	Negroes Reg'd	%
Jan. 1, 1890	614			188		
Jan. 1, 1899	1,148	759*	66%	456	75*	16.5%
Jan. 1, 1954	3,491	750	21%	758	3	.4%
Mar. 24, 1955	3,491	3,094	88%	758	43	5.7%
Jan. 1, 1960	3,158	3,154	90%	859	46	5.4%
June 1, 1962	3,518	3,000	85%	859	43	5%

Total Votes Cast in First Gubernatorial Primary

1951	3,012	1959	3,200
1955	3,137	1963	3,583

*1896 Registration figures. Source does not show 1899 figures for this county.

Source and Explanation of Registration Statistics

Race Identification

The current registration book and current poll books indicate the race of all registrants.

January 1, 1954

Negroes: 3

Source: Current Primary Poll Books.

Explanation: All Negroes registered prior to January 1, 1954 were counted. The total includes two Negroes whose names are crossed out in the books with a notation indicating they are dead.

Whites: 750

Source: Current Primary Poll Books

[fol. 795] Explanation: All whites registered prior to January 1, 1954 were counted. The total includes 186 whites whose names are crossed out in the books.

March 24, 1955

Negroes: 43

Source: Current Primary Poll Books

Explanation: All Negroes registered prior to March 24, 1955 were counted. The total includes Negroes whose names are crossed out.

Whites: 3,094

Source: 1955 Primary-Election Figures and Current Primary Poll Books

Explanation: The total number of white persons registered was estimated by subtracting the number of Negroes registered prior to March 24, 1955 from the total number of votes cast for candidates for governor in the first primary in August 1955.

January 1, 1960

Negroes: 46

Source: Current Primary Poll Books

Explanation: All Negroes registered prior to January 1, 1960 were counted.

Whites: 3,154

Source: 1959 Primary Election figures and current Primary Poll Books

Explanation: The total number of white persons registered was estimated by subtracting the number of Negroes registered prior to January 1, 1960 from the total number of votes cast for candidates for governor in the first primary in August 1959.

June 1, 1962

Negroes: 43.

Source: Current Primary Poll Books and Testimony in U.S. v. Greene County Board of Education

Explanation: All Negroes (49) registered prior to June 1, 1962 were counted. It was established in testimony in U.S. v. Greene County Board of Education that only 43 of these Negroes were alive and in the county. (See U.S. v. Board of Education of Greene County, Civil Action 1729, Southern District of Mississippi, transcript for August 2, 1962, pp. 22-40).

Whites: 3,000

Source: Current Primary Poll Books

Explanation: All whites registered prior to January 1, 1962 were counted. The total excludes 1,553 whites registered prior to June 1, 1962 whose names are crossed out.

[fol. 796]

General Information

Name of Present Registrar: Lloyd E. Perry

Date Present Registrar Took Office: 1956

Date Records Were Photographed: July 27, 1962

Description of Records Photographed:

Current Registration Books for Period:

September 1953 to date of photographing

Current Primary and General Poll Books:

September 1953

Old Registration Books: None

Old Poll Books: None

Application Forms:

Number Made Available: 750

Period They Covered: April 8, 1955 to July 19, 1962

[fol. 797]

Jefferson Davis #70

Date Current Registration Began: February 8, 1956

	Whites Over 21	Whites Reg'd	%	Negroes Over 21	Negroes Reg'd	%
Jan. 1, 1890*						
Jan. 1, 1899						
Jan. 1, 1954	3,847	2,842	74%	3,923	891	22%
Mar. 24, 1955	3,847	2,842	74%	3,923	1,246	32%
Jan. 1, 1960	3,629	3,085	85%	3,222	63	1.95%**
June 1, 1962	3,629	3,600	99%	3,222	76	2.36%

Total Votes Cast in First Gubernatorial Primary

1951	3,644	1959	3,148
1955	4,088	1963	3,305

* The records seem to indicate that Walthall County was not formed until after 1900.

** A complete reregistration was ordered in 1956. Four years later Negro registration had decreased from its 1955 high of 1,246 to only 63.

Source and Explanation of Registration Statistics

Race Identification

The old registration books (1905-1955) indicate race of all electors. Race of all but 1,200 electors in the current registration books is established by cross checking the entries on the current books with the old books. In United

States v. Daniel and the State of Mississippi, Civil Action No. 1655, United States District Court for the Southern District of Mississippi.

[fol. 798] District of Mississippi, the parties stipulated as to the race of the 1,200 electors. Their race is found in Exhibit I received in evidence pursuant to stipulation which is also reported at page 292-293 of transcript of hearing before Judge Harold J. Cox on October 23, 1962 at Hattiesburg, Mississippi.

January 1, 1954

Negroes: 891

Source: 1949-1955 Registration Books

Explanation: All Negroes registered prior to January 1, 1954 were counted in the 1949-1955 registration books.

Whites: 2,842

Source: 1955 Gubernatorial Primary Total and 1949-1955 Registration Books

Explanation: This is an approximate number of whites registered. The total number (1,246) of Negroes registered prior to March 24, 1955 were counted in the 1949-1955 registration books and then subtracted from the total number of votes cast for candidates for Governor by voters in Jefferson Davis County in the first primary in August 1955. This total is an approximation because it assumes that all Negroes registered on March 22, 1955 voted; it includes white persons who registered between January 1, 1954 and July 7, 1955 who voted in the primary; because it may include Negroes who registered between March 24, 1954 and July 7, 1955 and who voted in the primary.

March 24, 1955

Negroes: 1,246

Source: 1949-1955 Registration Books

Explanation: All Negroes registered prior to March 24, 1955 were counted in the 1949-1955 registration books.

Whites: 2,842

Source: 1955 Gubernatorial Primary Total and 1949-1955 Registration Books

Explanation: This is an approximate number of whites registered. The total number (1,246) of Negroes registered prior to March 24, 1955 were counted in the 1949-1955 registration books and then subtracted from the total number of votes cast for candidates for Governor by voters in Jefferson Davis County in the first primary in August 1955. This total is an approximation because it assumes that all Negroes registered on March 24, 1955 voted; because it includes white persons registered between March 24, 1955 [fol. 799] and July 7, 1955 who voted in the primary; and because it may include Negroes who registered between March 24, 1955 and July 7, 1955 and who voted in the primary.

January 1, 1960

Negroes: 63

Source: Current Registration Books

Explanation: All Negroes registered prior to January 1, 1960 were counted. The total excludes one Negro girl (Rose Powell, Carson Precinct) who was 21 in 1956 and is believed to have left the county prior to January 1, 1960.

Whites: 3,085

Source: 1959 Gubernatorial Primary Total and Current Registration Books

Explanation: This is an approximate number of whites registered. The total number (63) of Negroes registered prior to January 1, 1960 was counted in the current registration books and then subtracted from the total number of votes cast for candidates for Governor by voters in Jefferson Davis County in the first primary in August 1959.

June 1, 1962

Negroes: 76

Source: Current Registration Books

Explanation: All Negroes registered prior to June 1, 1962 were counted. The total excludes five Negroes (Rose

Powell, Carson Precinct; J. E. Clark, South Prentiss Precinct; B. F. Richmond, South Prentiss Precinct; Reed Hall, Mt. Carmel Precinct and Harry P. Morris, Carson Precinct). Their names were listed in the registration book as having either died or moved.

Whites: 3,600

Source: Current Registration Books

Explanation: All whites registered prior to June 28, 1962 were counted. The total does not include names crossed out.

[fol. 800]

General Information

Name of Present Registrar: James Daniel

Date Present Registrar Took Office: January 1956

Dates Records Were Photographed: June 28, 1962

Description of Records Photographed:

Current Registration Books for Period: 1956 to Present

Current Poll Books for Period: 1956 to present

Old Registration Books for Periods: 1905 to 1922; 1923 to 1934; 1935 to 1948; 1949 to 1955

Note: Each of these periods represents a new registration period.

Old Poll Books: None

Application Forms:

Number Made Available: 13

Period in Time They Cover: April 29, 1962 to June 28, 1962

Note: The registrar, in *Darby v. Daniel*, testified that there had been 23 volumes of application forms, each containing approximately 78 forms, in existence since 1956, but these were destroyed. This would have included about 2,500 forms.

[fol. 801]

'Lamar #72

Date Current Registration Began: —, 1952

	Whites Over 21	Whites Reg'd	%	Negroes Over 21	Negroes Reg'd	%
Jan. 1, 1890	.					
Jan. 1, 1899						
Jan. 1, 1954	6,115	2,041	33%	1,118	0	0%
Mar. 1, 1955	6,115	4,385	72%	1,118	0	0%
Jan. 1, 1960	6,489	4,684	76%	1,071	0	0%
June, 1962	6,489	5,593	91%	1,071	0	0%

Total Votes Cast in First Gubernatorial Primary

1951	4,497	1959	4,684
1955	4,385	1963	4,099

*The records seem to indicate that Lamar County was not formed until after 1900.

Source and Explanation of Registration Statistics

Race Identification

The current registration books and the current poll books indicate race to January 1, 1962. There are 90 names whose race is not identified listed in the current registration books between January 1, 1962 and June 1, 1962. On the basis of interviews with Negroes within the county, the government believes all 90 of these persons to be white.

January 1, 1954

Negroes: 0

Source: Current Registration Books.

Explanation: There are no Negro names in the current registration books with dates of registration prior to January 1, 1954.

Whites: 2,041

Source: Current Registration Books and total votes cast in first August 1955 primary for governor.

[fol. 802] Explanation: The names of all white persons with dates of registration between January 1, 1954 and March 24, 1955 were counted. The total (2,344) was subtracted from the total number of votes cast in the first gubernatorial primary in August, 1955.

March 24, 1955

Negroes: 0.

Source: Current registration books

Explanation: There are no Negro names on the current registration books with dates of registration prior to March 24, 1955.

Whites: 4,385

Source: Total votes cast for governor in first primary August, 1955.

Explanation: The minimum number of white persons registered was estimated as the total number of votes cast at the first primary for governor in August 1955.

January 1, 1960

Negroes: 0

Source: Current registration books

Explanation: There are no Negroes in the current registration books with dates of registration prior to January 1, 1960.

Whites: 4,684

Source: Total votes cast for governor in the first gubernatorial primary in August, 1959.

Explanation: The minimum number of white persons registered was estimated as the total number of votes cast in the first gubernatorial primary in August, 1959.

June 1, 1962

Negroes: 0

Source: Current registration book and interview with registrar.

Explanation: There are no Negroes in the current registration books with dates of registration prior to June 1, 1962.

[fol. 803] Whites: 5,593

Source: Current poll books and total vote cast in first primary for governor August 1959.

Explanation: The total number of white persons registered was determined by adding 819 white persons whose names appear in the current poll books with dates of registration between January 1, 1960 and June 1, 1962 and adding 90 persons whose names appear in the current poll books with dates of registration between January 1, 1962 and June 1, 1962 but whose race is not designated to the total number of votes cast for governor in the first primary in August 1959. Investigation by the government discloses that all of these 90 persons are white.

General Information

Name of Present Registrar: Talmadge Saucier

Date Registrar Took Office:

1960 (Previous terms 1948-51 and 1951-56)

Date of Photographing: July 25, 1963

Description of Records Photographed:

Current Registration Books for Period:

1952 to date of photographing

Current Poll Books for Period:

1952 to date of photographing

Old Registration Books: None

Old Poll Books: None

Application Forms:

Number Made Available: 463

Period in Time They Cover:

July 18, 1960 to July 5, 1963

[fol. 804]

Marion #74

Date Current Registration Began: —, 1953

	Whites Over 21	Whites Reg'd	%	Negroes Over 21	Negroes Reg'd	%
Jan. 1, 1950	1,314			542		
Jan. 1, 1950	1,946	1,344	69%	817	386	47%
Jan. 1, 1954	9,004	3,147	35%	4,103	66	1.6%
Mar. 24, 1955	9,004	6,706	74%	4,103	312	7.7%
Jan. 1, 1960	8,997	8,435	95%	3,630	339	9.3%
June 1, 1962	8,997	9,450	100%	3,630	363	10%

Total Votes Cast in First Gubernatorial Primary

1951	6,405	1959	6,818
1955	7,017	1963	6,390

Source and Explanation of Registration Statistics

Race Identification

Current registration books indicate the race of all registrants. The current poll books do not indicate race.

January 1, 1954

Negroes: 66

Source: Current Registration Books

Explanation: All Negroes registered prior to January 1, 1954 were counted. The total includes five Negroes whose names were crossed out. As of January 1, 1954, the registration books were several months old.

Whites: 3,147

Source: Current Registration Books

Explanation: All whites registered prior to January 1, 1954 were counted. The total includes 640 whites whose names are crossed out.

[fol. 805] March 24, 1955

Negroes: 312

Source: Current Registration Books

Explanation: All Negroes registered prior to March 24, 1955 were counted. The total excludes 71 Negroes registered prior to March 24, 1955 whose names are crossed out.

Whites: 6,705

Source: 1955 Primary Election Figures and Current Registration Book

Explanation: The minimum number of white persons registered was estimated from the total number of votes cast for candidates for governor in the first primary in August 1955 less the total number of Negroes registered as of March 24, 1955.

January 1, 1960

Negroes: 339

Source: Current Registration Books

Explanation: All Negroes registered prior to January 1, 1960 were counted. The total excludes 71 Negroes registered prior to January 1, 1960 whose names are crossed out.

Whites: 8,435

Source: Current Registration Books

Explanation: All white registered prior to January 1, 1960 were counted. The total excludes 2,408 whites whose names are crossed out.

June 1, 1962

Negroes: 363

Source: Current Registration Books

Explanation: All Negroes registered prior to June 1, 1962 were counted. The total excludes 74 Negroes registered prior to June 1, 1962 whose names are crossed out.

Whites: 9,540

Source: Current Registration Books

Explanation: All whites registered prior to June 1, 1962 were counted. The total excludes 2,528 whites registered prior to June 1, 1962 whose names are crossed out. Comparison with the population figure for this date shows this figure to be inflated. This is undoubtedly due to incomplete purging of the registration books.

General Information**Name of Present Registrar: Mrs. John Mikell****Date Present Registrar Took Office: 1961****[fol. 806] Date Records Were Photographed: July 26, 1963****Description of Records Photographed:****Current Registration Books for Period:****1953 to date.****Old Poll Books for Period: None****Old Registration Books for Period: None****Current Poll Books for Period: Late 1953 to date****Application Forms:****Number Made Available: 663****Period in Time They Cover:****September 5, 1962-July 23, 1963****[fol. 807]****Walthall #76****Date Current Registration Began: —, 1946**

	Whites Over 21	Whites Reg'd	%	Negroes Over 21	Negroes Reg'd	%
Jan. 1, 1890*						
Jan. 1, 1899						
Jan. 1, 1954	4,735	3,485	81%	3,017	0	0%
Mar. 24, 1955	4,735	3,845	81%	3,017	0	0%
Jan. 1, 1960	4,736	3,903	83%	2,490	0	0%
June 1, 1962	4,736	4,219	89%	2,490	2	.08%

Total Votes Cast in First Gubernatorial Primary

1951	3,465	1959	3,903
1955	3,845	1963	3,986

* The records seem to indicate that Walthall County was not formed until after 1900.

Source and Explanation of Registration Statistics

Race Identification

Current poll books indicate the race of all registrants. The current registration books indicate race but with frequent omissions.

January 1, 1954

Negroes: 0

Source: Testimony of John Q. Wood, Walthall County Circuit Clerk in United States v. Wood (Transcript pp. 381-384)

[fol. 808] Explanation: The total number of Negro persons registered was established in testimony by Walthall County Circuit Clerk, John Q. Wood, in the hearing of United States v. Wood, Civil Action No. 1656, Southern District of Mississippi, on April 8, 1963.

Whites: 3,845

Source: 1955 Primary Election Figures

Explanation: The minimum number of white persons is estimated to be equal to the number of votes cast for candidates for governor in the first primary of August, 1955. There were no Negroes registered at that date.

March 24, 1955

Negroes: 0

Source: Testimony of John Q. Wood, Walthall County Circuit Clerk, in United States v. Wood (Transcript pp. 381-384)

Explanation: The total number of Negro persons registered is established in testimony by Walthall County Circuit Clerk, John Q. Wood, in the hearing of United States v. Wood.

Whites: 3,845

Source: 1955 Primary Election Figures

Explanation: The minimum number of white persons registered is estimated to be equal to the number of votes cast for candidates for governor in the first primary of

August, 1955. There were no Negroes registered at that date.

January 1, 1960

Negroes: 0

Source: Testimony of John Q. Wood, Walthall County Circuit Clerk, in United States v. Wood (Transcript pp. 381-384)

Explanation: The total number of Negro persons registered is established in the testimony by Walthall County Circuit Clerk, John Q. Wood, in the hearing of United States v. Wood.

[fol. 809] **Whites: 3,903**

Source: 1959 Primary Election Figures

Explanation: The minimum number of white persons registered is estimated to be equal to the number of votes cast for candidates for governor in the first primary of August, 1959. There were no Negroes registered at that date.

June 1, 1962

Negroes: 2

Source: Testimony of John Q. Wood, Walthall County Circuit Clerk, in United States v. Wood (Transcript pp. 381-384)

Explanation: The total number of Negro persons registered is established in testimony by Walthall County Circuit Clerk, John Q. Wood, in the hearing of United States v. Wood.

The count of the poll book and registration books corroborates this testimony. Two Negroes, Ezra Conerly and Milton A. Huey were registered on September 26, 1961 and September 27, 1961. A third Negro, Ruby Magee, was registered after June 1, 1962.

Whites: 4,219

Source: Current Poll Books and 1959 Primary Election Figures

Explanation: All whites registered between January 1, 1960, and June 1, 1962, were counted. That total was added to the white registration figure for January 1, 1960.

Note: It was necessary to use election figures in 1954, 1955 and 1960 because there is an extremely large number of cross outs in both the poll books and the registration books. These books were begun in 1946 and it is impossible to tell when these cross outs were made.

It was possible to count in the current poll books for the period between 1960 and 1962 because registrations in that period are more recent and there were virtually no cross outs in this period.

[fol. 810]

General Information

Name of Present Registrar: John Q. Wood

Date Present Registrar Took Office: August 1, 1961

Dates Records were Photographed:

July 9, 1962, and April 8, 1963

Description of Records Photographed:

Current Registration Books for Period:

1946 to date of second photographing

Current Poll Books for Period:

1946 to date of second photographing

Old Registration Books: None

Old Poll Books: None

Application Forms:

Number Made Available: 1190

Period of Time They Cover:

About 1955 to date of second photographing

[fol. 811]

George #77

Date Current Registration Began: January 1, 1934

	Whites Over 21	Whites Reg'd	%	Negroes Over 21	Negroes Reg'd	%
Jan. 1, 1890	.					
Jan. 1, 1899	.					
Jan. 1, 1954	4,677	2,746	59%	618	12	1.9%
Mar. 24, 1955	4,677	3,141	67%	618	12	1.9%
Jan. 1, 1960	5,276	3,678	70%	580	7	1.2%
Jan. 1, 1962	5,276	3,510	67%	580	10	1.7%

*George County was not formed until after 1899.

Total Votes Cast in First Gubernatorial Primary

1951	3,060	1959	3,685
1955	3,728	1963	

Source and Explanation of Registration Statistics

Race Identification

The current registration books and the current poll books indicate race of all electors.

January 1, 1954

Negroes: 12

Source: Current Registration Books

Explanation: All Negroes registered prior to January 1, 1954 were counted. The total excludes two Negroes, one who died in 1947 or 1948 (Lee S. Ferrill, Basin Precinct) and one who would have been age 109 on January 1, 1954 (Wash Johnson, Bexley Precinct).

White: 2,746

Source: Current Poll Books

Explanation: All whites registered prior to January 1, 1954 were counted. The total includes 610 whites registered [fol. 812] prior to January 1, 1954 whose names were crossed out. The total excludes all whites registered prior to 1954 who were crossed out of the Registration Book prior to the time of setting up current poll book in 1959. The current primary poll books were used rather than the registration books which commenced in 1934 and had not been purged for deaths, transfers, etc.

March 24, 1955

Negroes: 12

Source: Current Registration Book

Explanation: All Negroes registered prior to March 24, 1955 were counted. The total excludes two Negroes, one who died in 1947 or 1948 (Lee S. Ferrill, Basin Precinct) and one who would have been age 109 on January 1, 1954 (Wash Johnson, Bexley Precinct).

White: 3,141

Source: Current Poll Book

Explanation: All whites registered prior to March 24, 1955 were counted. The total includes 766 whites registered prior to March 24, 1955 whose names were crossed out. The total excludes all whites registered prior to 1955 who were crossed out in the registration book prior to time of setting up of current poll book in 1959.

January 1, 1960

Negroes: 7

Source: Current Registration Book

Explanation: All Negroes registered prior to January 1, 1960 were counted. The total excludes five Negroes whom the Government believes died before January 1, 1960 (Lee S. Ferrill, Basin Precinct; Ben Williams, Basin Precinct; Frank Bush, Bexley Precinct; Albert Cowan, Agricola and Tom Fairley, Benndale Precincts), and four other Negroes who would have been 92 years of age or older as of January 1, 1960 (Wash Johnson, Bexley Precinct; Charlie Parker, Merrill Precinct; William Fairley, Benndale Precinct and Butler Williams, Benndale Precinct). The registration books reflect that one Negro registered between March 24, 1955 and January 1, 1960.

Whites: 3,678

Source: Current Poll Book

Explanation: The minimum number of white persons registered was estimated from the total number of votes cast in the first gubernatorial election in August 1959 less

the total number of Negroes registered prior to January 1, 1960.

[fol. 813] June 1, 1962

Negroes: 10

Source: Current Registration Book

Explanation: All Negroes registered prior to June 1, 1962 were counted. The total excludes six Negroes whom the Government believes died before June 1, 1962 (Lee S. Ferrill, Basin Precinct; Ben Williams, Basin Precinct; Frank Bush, Bexley Precinct; Albert Cowan, Agricola Precinct; Tom Fairley, Benndale Precinct and Jim Williams, Basin Precinct) and three Negroes who would have been age 94 or older as of January 1, 1962 (Wash Johnson, Bexley Precinct; Charlie Parker, Merrill Precinct; William Fairley, Benndale Precinct). The registration books reflect that no Negroes were registered between January 1, 1960 and June, 1962.

Whites: 3,510

Source: Current Poll Book

Explanation: The number of white persons registered was obtained by counting the names of white persons registered prior to June 1, 1962. All names crossed out in the books were excluded.

General Information

Name of Present Registrar: Eldred W. Green
Date Present Registrar Took Office: January 1, 1960
Dates Records Were Photographed:

July 28, 1962 and November 27, 1962

Description of Records Photographed:

Current Registration Books for Period:

1934 to date of photographing

Current Poll Books for Period:

1959 to date of photographing

Old Registration Books: None

Old Poll Books: None

Application Forms:

Number Made Available: 367

Period of Time Covered:

May 21, 1960-November 27, 1962

[fol. 814]

MASTER'S THESIS

Negro Voting in Mississippi

by

James Franklin Barnes
University of Mississippi

August, 1955

Preface page iii and iv

The data relating to the voting done by Negroes in the several primaries and elections included in this survey was collected through a complete count through the poll books in all the counties having more than 80 Negroes qualified. In Counties having so few Negroes that the Circuit Clerk knew all those who had registered and voted, and in Counties where the Clerk had recently compiled the information for his own benefit, the information was taken from the Clerk in an interview. In the remainder of the Counties the information was taken from a complete review of the poll books in the same manner as in the large counties.

The aid of many Circuit Clerks who assisted in the collection of information is gratefully acknowledged.

[fol. 815]

Table 1

County	Negroes over 21 1950 Census	Qualified 1955	Aug.	Nov. ^{**}	Dec. ^{***}	% Negro Pop.	% Voted
Adams	9,338	641	274	296	280	49	70.5
Alcorn	2,225	78	19	3	3	14.4	36
Amite	4,598	3	2	0	0	54.2	
Attala	6,179	34	18	10	3	43.4	25.3
Benton	1,749	35	0	3	0	43.8	
Bolivar	21,805	511	44	29	49	68.5	10.7
Calhoun	1,893	6	1	1	1	23.3	
Carroll	3,953	0	0	0	0	57	
Chickasaw	4,016	0	0	0	0	44.5	
Choctaw	1,412	0	0	0	0	30.2	
Claborn	4,728	19	0	9	1	74.8	
Clarke	3,849	111	3	9	18	40.7	24.4
Clay	4,922	0	0	0	0	56.9	
Coahoma	19,136	12	0	1	1	72.2	36.2
Copiah	7,841	16	0	1	1	53.4	33.5
Covington	2,354	419	97	107	17	32.5	23.2
De Sota	8,013	1	0	0	0	67.2	
Forrest	7,406	16	0	About 10 vote	0	28.8	65.4
Franklin	2,294	70	0	few	few	39.4	
George	618	0	0	0	0	12.2	
Greene	758	38	0	0	0	18.3	
Grenada	4,980	39	13	0	0	62.2	39.2
Hancock	1,131	449	76	30	7	17.1	38.9
Harrison	7,858	1,569	259	174	302	16	82.7
Hinds	35,021	4,089*	820	679	NA	45	70.5
Holmes	11,468	45	4	5	4	73.5	9.6
Humphreys	7,712	37	0	0	0	69.7	17.6

* Includes as qualified those on July, 1955. All other counties as of May, 1955.

** Interpretation Test.

*** Abolish Public Schools.

[fol. 816]

Table 1
(continued)

County	Negroes over 21 1960 Census	Qualified 1955	Aug.	Nov.	Dec.	% Negro Pop.	% Voted
Isaachea	1,790	0	0	0	0	67.4	
Itawamba	470	42	14	1	1	5.4	
Jackson	3,752	900	68	75	90	21.5	56.2
Jasper	4,313	9	0	0	0	51.4	
Jeff	4,304	0	0	0	0	74.5	
Jeff Davis	3,923	1,038	182	256	191	55.5	
Jones	8,046	872	NA	355	136	26.3	50
Kemper	4,023	20	0	10	NA	59.4	
Lafayette	3,844	105	6	4	NA	35.5	17.4
Lamar	1,118	0	0	0	0	15.9	
Lauderdale	12,965	1,059	131	126	63	36.4	65.3
Lawrence	2,229	268	NA	42	NA	36.7	
Lenke	3,835	66	12	10	7	42.4	
Lee	5,531	97	25	17	26	27.9	
Leflore	17,893	297	74	67	45	68.2	30.1
Lincoln	4,507	516	33	41	19	32.9	34.9
Lowndes	9,177	117	21	10	NA	28.0	28.0
Madison	11,586	431	557	37	36	48.6	45.4
Marion	4,103	331	25	19	8	73.6	20.8
Marshall	8,210	15	7	5	1	35	25.6
Monroe	6,734	18	few	0	0	70.6	13
Montgomery	2,978	0*	6	0	0	37.5	28.1
Neshoba	2,984	8	0	0	0	44	25.9
Newton	3,687	52	0	2	NA	34.6	27.8
Noxubee	6,764	0	0	0	0	74.4	17.4
Okfuskeha	5,409	128	26	28	22	47.8	12.8
Panola	8,028	1	0	0	0	55	28.9
Pearl River	2,454	0	0	0	0	21.8	32.5
Perry	1,136	58	0	0	0	24.3	
Pike	7,008	137	53	37	40	44.7	29.6
Pontotoc	1,847	6	0	0	0	19.1	
Prentiss	1,170	18	0	0	0	11.8	16.6

* 20 were listed in Atty. Gen. report of summer 1964—Since then asked to get off, 19, or delinquent-7.

[fol. 817]

Table 1
(continued)

County	Negroes over 21 1960 Census	Qualified 1955	Aug.	Nov.	Dec. ***	% Negro Pop.	% Voted
Quitman	2,444	234	39	8	7	60.7	
Rankin	7,295	33	2	0	0	47.3	
Scott	4,329	15	5	0	1	43.2	
Sharkey	4,533	1	0	0	0	71.3	13.3
Simpson	3,351	61	10	4	NA	33.3	
Smith	1,400	6	0	0	0	20.3	
Stone	746	25	0	0	5	21.8	
Sunflower	18,949	1147	Few	Few	NA	68.1	17.8
Tallahatchie	9,235	0	0	0	0	63.7	8.6
Tate	2,989	0	0	0	0	57.6	
Tippah	1,603	144	15	14	8	19.4	
Tishomingo	463	17	0	0	0	5.2	
Tunica	9,123	277	1	0	0	81.8	
Union	1,904	67	8	5	2	17.9	18.2
Walsh	3,017	0	0	0	0	46	
Warren	12,312	1,099 (250	183	114	94	50.7	70.5
Washington	27,823	1,464 vote	237	208	256	60.8	49.2
Wayne	2,857	0 over	0	0	0	36.6	20.2
Webster	1,243	3 60)	0	0	0	23.2	
Wilkinson	4,558	40	1	0	0	49.1	
Winston	4,162	30	12	25	NA	41.8	23.8
Yalobusha	3,142	9	1	1	1	43.9	21.2
Yazoo	11,126	81	10	11	9	61.8	27.3

[fol. 818]

[File Endorsement Omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

Civil Action No. 3312

[Title omitted]

ANSWERS TO INTERROGATORIES OF STATE OF MISSISSIPPI; MRS.
PAULINE EASLEY, CIRCUIT CLERK AND REGISTRAR OF CLAI-
BORNE COUNTY; J. W. SMITH, CIRCUIT CLERK AND REGIS-
TRAR OF COAHOMA COUNTY; T. E. WIGGINS, CIRCUIT CLERK
AND REGISTRAR OF LOWNDES COUNTY—filed September 3,
1963.

Purpose of Laws 1890, 1954; 1960, 1962
Decrease in Negro Registration 1890—1954

[fol. 819]¹

ANSWER TO INTERROGATORIES. NUMBERS 2(a) AND 4(a) AS TO THE SPECIFIC FACTS ON WHICH THE UNITED STATES BASES THE ASSERTION CONTAINED IN PARAGRAPH 16 OF THE COMPLAINT THAT ONE OF THE CHIEF PURPOSES OF THE MISSISSIPPI CONSTITUTION OF 1890 WAS TO RESTRICT THE NEGRO FRANCHISE AND TO ESTABLISH AND PERPETUATE WHITE POLITICAL SUPREMACY AND RACIAL SEGREGATION IN MISSISSIPPI, AND AS TO THE FULL FACTUAL BASIS FOR THE ASSERTION CONTAINED IN PARAGRAPH 17 OF THE COMPLAINT THAT SECTION 244 OF THE MISSISSIPPI CONSTITUTION OF 1890 WAS DESIGNED TO ACCOMPLISH THIS PURPOSE.

The factual basis for the allegation that the purpose of the Mississippi Constitution of 1890, and specifically Section 244 of that Constitution, was to restrict the Negro franchise and to establish and perpetuate white political supremacy in Mississippi is as follows:

A. Qualifications for Voters under the Constitution of 1869 and under the Constitution of 1890

Under the Mississippi Constitution of 1869, which remained in effect until 1890, the qualifications for a voter were that he be ¹

- (1) A male citizen of the United States;
- (2) Twenty-one years of age or older;
- (3) A resident of the State six months and of the county (one month);
- (4) Registered to vote;
- (5) Not disqualified by reason of insanity, idiocy, or conviction of certain crimes.

On February 5, 1890, the Mississippi Legislature passed a statute calling for the convening of a constitutional convention to revise and amend the present state constitution. [fol. 820] or to enact a new one.² On August 18, 1890, the

¹ P90-1. Mississippi Constitution of 1869. Article VII, Section 2.

² P90-3. Laws of 1890, Chapter 35.

convention opened ³ and by November 1, 1890 a new constitution was adopted.⁴

New qualifications for voters required that each elector ⁵

- (1) Be a male citizen of the United States;
- (2) Be twenty-one years of age or over;
- (3) Be a resident of the State two years and of the election district or municipality one year;
- (4) Be registered to vote;
- (5) Be not disqualified by reason of insanity, idiocy, or conviction of certain crimes;
- (6) Be able to read any section of the State Constitution, or be able to understand it when read to him, or to give a reasonable interpretation of it.
- (7) Have paid all taxes by February of the year in which he desires to vote and produce evidence of payment. This includes payment of an annual poll tax of two dollars.

[fol. 821] A complete re-registration of all voters in the state in accordance with the new qualifications was required before the first election following January 1, 1892.⁶

This new constitution was not submitted to the electorate for ratification.⁷

³ P90-4. *Journal of the Proceedings of the Constitutional Convention of the State of Mississippi*. (Jackson, Mississippi: E. L. Martin, 1890), p. 3.

⁴ P90-5. *Journal of the Proceedings of the Constitutional Convention of the State of Mississippi*. (Jackson, Mississippi: E. L. Martin, 1890), p. 637-638.

⁵ P90-2. Mississippi Constitution of 1890. Article XII, Sections 241, 243, and 244.

⁶ P90-2. Mississippi Constitution of 1890. Article XII, Section 244.

⁷ P90-6. *Journal of the Proceedings of the Constitutional Convention of the State of Mississippi*. (Jackson, Mississippi: E. L. Martin, 1890), p. 628. The concluding sentence in the *Journal* for November 1, 1890, reads as follows: "This Constitution, adopted by the people of Mississippi in Convention assembled, shall be in force and effect from and after this, the first day of November, A.D., 1890."

B. Population and Registration Statistics for the Period

In 1870 Negroes constituted 53.7% of the population of Mississippi. This percentage increased to 57.5% in 1880 and to 57.6% in 1890.⁸ In 1890 55.5 of the persons eligible to vote in Mississippi were Negroes.⁹

C. A Purpose to Discriminate as Shown by the History of the Convention of 1890

1. Documents Upon Which the Government Relies to Show Purpose

For the period immediately preceding the Constitutional Convention newspaper articles quoting persons who subsequently became delegates provide the only available background information on developments leading up to the adoption of the Constitution of 1890. These articles are [fol. 822] admissible because these persons were not only delegates but also draftsmen of the constitution.

The proceedings of the Convention itself were recorded in the official *Journal of the Proceedings of the Constitutional Convention of the State of Mississippi*. This journal is a condensed record of daily minutes, resolutions, proposed amendments, voting tabulations and several committee reports. It does not contain speeches made by delegates or debates on the floor of the Convention or in committee meetings.

A resolution submitted August 14 to the Convention directed that copies of the *Daily Clarion-Ledger* be furnished as reports to all delegates.¹⁰ However, because a large number of the delegates were already subscribing to

⁸ C-8. *Negroes in the United States*. Department of Commerce and Labor, Bureau of the Census. (Washington, D.C.: Government Printing Office, 1904), p. 109.

⁹ C-2. *Biennial Report of the Secretary of State to the Legislature of Mississippi for the years 1896 and 1897*. (Jackson, Mississippi: The Clarion-Ledger Print., 1897), p. 67.

¹⁰ P90-7. *Journal of the Proceedings of the Constitutional Convention of the State of Mississippi*. (Jackson, Mississippi: E. L. Martin, 1890), p. 23.

the *Daily Clarion-Ledger* and using it as their unofficial Convention report, this resolution was tabled.¹¹

For the period during which the Convention met, August 12 through November 1, 1890, the *Clarion-Ledger*, a Jackson Mississippi, newspaper did publish a daily coverage of the Convention which included the complete texts of some speeches and significant quotations from other speeches made by delegates to the Convention.¹²

The accuracy of the *Clarion-Ledger* as the unofficial journal of the Convention is attested to by the fact that the state [fol. 823] printer, R. H. Henry Company, Jackson, which printed the *Daily Clarion-Ledger*, also printed for all delegates, by order of a Convention resolution on August 18, 1890, copies of the rules, all amendments, articles and resolutions submitted to the Convention.¹³

Post-Convention documents are limited to six sources: *Proceedings of a Reunion of the Surviving Members of the Constitutional Convention of 1890*, which reunion was held in 1910; *Proceedings of a Reunion of the Surviving Members of the Constitutional Convention of 1890*, which reunion was held in 1927; the *Publications of the Mississippi Historical Society*, a publication sponsored by the State of Mississippi; *Mississippi Constitution of 1890, An Address Delivered to the Mississippi State Bar Association* in 1923 by Judge R. H. Thompson; the *Clarion-Ledger*, described above; and *Mississippi Constitutions*, a text by George H. Ethridge.

The first three sources in the preceding paragraph are official publications as their publication and printing was sponsored by the State of Mississippi.

The address to the Mississippi State Bar Association was made by a former delegate to the Convention; the *Clarion-Ledger* article appeared immediately after the Constitution

¹¹ P90-13. The *Clarion-Ledger*. Jackson, Mississippi. August 21, 1890, p. 3.

¹² P90-14. The *Clarion-Ledger*. Jackson, Mississippi. July 31, 1890, p. 4, col. 3.

¹³ P90-8. *Journal of the Proceedings of the Constitutional Convention of the State of Mississippi*. (Jackson, Mississippi: E. L. Martin, 1890), p. 59.

had been adopted; and *Mississippi Constitutions* was written by an Associate Judge of the Supreme Court of the State of Mississippi.

[fol. 824] See the following cases for authority for the admissibility of these documents: *Hall v. Helena Parish School Board*, 197 F. Supp. 649 (E.D. La., 1961), aff'd 368 U.S. 515 (1961); *Davis v. Schnell*, 81 F. Supp. 872 (S.D. Ala., 1949), aff'd 336 U.S. 933; *Dallas County v. Commercial Union Assurance Co.*, 286 F. 2d 388 (5th Cir., 1961; Wisdom, J.); *Morris v. Lessees*, 7 Pet. 553, 558 (1833; Story, J.).

2. The Background and Setting in Which The Constitutional Convention was Called

a. White Control of State Political Positions Prior to and Including 1890

Prior to and during the Constitutional Convention practically all important Mississippi federal, state, county, and local governmental positions were occupied by white citizens.

Other than in the State Legislature, Mississippi Negroes occupied fewer than ten positions as United States Congressmen or in Mississippi state government during the period from 1875 to 1890.¹⁴

In 1890 there were no Negroes among the 40 members of the Mississippi State Senate and four Negroes among the 120 members of the State House of Representatives.¹⁵

[fol. 825] b. Statements of the White Political Leaders Regarding the Convention

Judge Chrisman of Lincoln County, in a speech to the Convention reported in the *Clarion-Ledger*, September 11, 1890, commented on the methods by which white men had

¹⁴ C-5. *Biennial Report of the Secretary of State to the Legislature for the Years 1898 and 1899*. pp. 174-190.

¹⁵ C-1. *Biennial Report of the Secretary of State to the Legislature of Mississippi for the Years 1888 and 1889*. (Jackson, Mississippi: R. H. Henry, State Printer, 1890), pp. 5-8.

regained control of political positions in Mississippi after 1875: ¹⁶

Sir, it is no secret that there has not been a full vote and a fair count in Mississippi since 1875—that we have been preserving the ascendancy of the white people by revolutionary methods. In plain words, we have been stuffing ballot-boxes, committing perjury and here and there in the State carrying the elections by fraud and violence until the whole machinery for elections was about to rot down.

*According to the *Clarion-Ledger*, October 24, 1889, J. Z. George, United States Senator from Mississippi, addressed a gathering of citizens at the hall of the Mississippi House of Representatives. He said: ¹⁷

Our First Duty, Therefore, when we meet in convention, is to devise such measures, consistent with the Constitution of the United States, as will enable us to maintain a home government, under the control of the white people of the state.

As early as 1876 there was growing pressure to revise the Constitution of Mississippi by a constitutional convention. Judge R. H. Thompson, a delegate to the 1890 Convention, later summed up this movement in an address to the Mississippi [fol. 826] State Bar Association: ¹⁸

Several ineffectual efforts were made between 1876 and 1890 to have a Constitutional Convention called; these efforts failed because a majority of the white people seemed firmly convinced that a convention would be powerless to so far disfranchise the Negroes as to give

¹⁶ P90-15. The *Clarion-Ledger*. September 11, 1890, p. 1, col. 1.

¹⁷ P90-16. The *Clarion-Ledger*. October 24, 1889, p. 1, col. 3.

¹⁸ P90-19. Thompson, R. H. *Mississippi Constitution of 1890—An Address Delivered to the Mississippi State Bar Association*. (Biloxi, Mississippi: 1923), p. 3.

the white people a majority of the electors of the state . . .

Seventeen days after the statute calling for the Constitutional Convention was passed, Judge S. S. Calhoun, later elected President of the Convention, wrote an article for the *Times Democrat*. The *Clarion-Ledger*, March 6, 1890, reprinted this article.¹⁹

That the Negro fought for the Union is true, but he fought for his freedom. He has been awarded what he fought to obtain, and with his pension, and there was no warrant in his expecting to share in the governing power, nor was there any such promise or previous design. To so share will jeopardize his own future and that of the whites.

If he brings his own reason to bear on his condition he must see that his future is better assured without the ballot.

c. Election of Delegates to the Constitutional Convention

The delegates to the Convention were to be elected by the people: 120 according to the apportionment for the State House of Representatives, and 14 from the State at large.²⁰ [fol. 827] The election was held on July 29, 1890.²¹ Although over 57% of the population of Mississippi was Negro,²² only one of the 134 delegates elected was a Negro.²³

¹⁹ P90-17. The *Clarion-Ledger*. March 6, 1890, p. 2, col. 1.

²⁰ P90-3. Laws of 1890, Chapter 35.

²¹ P90-38. *Proceedings of a Reunion of the Surviving Members of the Constitutional Convention of 1890*. (1927). (Jackson, Mississippi: Premier Printing Co., 1928), p. 48.

²² C-8. *Negroes in the United States*. Department of Commerce and Labor, Bureau of the Census. (Washington, D.C.: Government Printing Office, 1904), p. 109.

²³ P90-39. *Proceedings of a Reunion of the Surviving Members of the Constitutional Convention of 1890*, (1927). (Jackson, Mississippi: Premier Printing Co., 1928), p. 53.

3. The Proceedings of the Constitutional Convention of 1890

a. Opening Address of the President of the Convention

The Constitutional Convention of 1890 was opened with an address by the President of the Convention, S. S. Calhoun. He told the delegates: ²⁴

... [W]hen any of the five distinct races encounter each other in the matter of government . . . from the instinct implanted in its nature, it desires to be in the ascendancy.

This is so true, so general, such a historical fact that it may be said to be a law of God. This shows the difficulty of one of the problems you have to encounter.

This ballot system must be so arranged as to effect one object, permit me to say—for we find the two races now together, the rule of one of which has always meant [fol. 828] economic and moral ruin; we find another race whose rule has always meant prosperity and happiness to all races.

What does the instinct of self-protection require us to do? We have been twenty-five long years endeavoring to have strictly homologous political relations between those races. We have failed.

.

That is the great problem for which we are called together; that is the great question for you to solve, and the outside world is looking anxiously and our sister States of the South are looking at the solution we arrive at in reference to that question.

²⁴ P90-9. *Journal of the Proceedings of the Constitutional Convention of the State of Mississippi*. (Jackson, Mississippi: E. L. Martin, 1890), p. 10-11.

b. Committee Resolutions

The Convention established several committees to write the new constitution. The thirty-four member Franchise Committee made the following resolution on August 15;²⁵

Resolved that it is the duty of this Com. to perform its work in such a manner as to secure permanent *white*²⁶ intelligent rule in all the departments of the state government and without due violence to the true principles of our republican system of government. . . .

[fol. 829] On the 44th day of the Convention, the Preamble Committee submitted the following resolution:²⁷

Whereas, There are in the State of Mississippi, and some other of the States of the United States, in approximately equal numbers, two distinct races or types of mankind, the white and the negro; and

Whereas, These two races, though friendly and homogeneous for all business and industrial purposes, are widely separated by race instincts and prejudices in all political and social matters; and

²⁵ P90-47. Quoted by J. S. McNeilly in "History of the Measures Submitted to the Committee on Elective Franchise, Apportionment, and Elections in the Constitutional Convention of 1890," *Publications of the Mississippi Historical Society*. (Oxford, Mississippi: Printed for the Society, 1902), p. 133.

²⁶ P90-45. In the original handwritten copy of the resolution the word "white" appears and is crossed out; the resolution which was adopted by the Franchise Committee does not contain the word "white". "Minutes of the Committee on Elective Franchise, Apportionment, and Election," from the papers of Charles K. Regan, Secretary of the committee, in the Mississippi Department of Archives and History, Jackson, Mississippi.

²⁷ P90-10. *Journal of the Proceedings of the Constitutional Convention of the State of Mississippi*. (Jackson, Mississippi: E. L. Martin, 1890), pp. 303-304.

Whereas, We are without any well founded hope of a change; in respect to the political relations of the two races, but, in our opinion, they will ever be divided in all political contests in the main, on race lines, rather than on economic and other questions of common interest to them; and

Whereas, With such a condition, the one race or the other must have charge and control the governments of such States, and to do so there will be ever recurring conflicts of greater or less magnitude between them; and

Whereas, A government thus maintained, existing and resulting upon such a condition, Must of necessity be without permanence, efficiency or stability; and

Whereas, Such conditions of insecurity is not only a great political or social evil, but also greatly impedes all industrial development; and inasmuch as the white people only are capable of conducting and maintaining the governments of such States, giving security and [fol. 830] protection to the whole people and property thereof, the negro race, even if its people were educated, being wholly unequal to such great responsibility, if they should come into control of such governments; therefore be it

Resolved, By the people of the State of Mississippi, in this, its Constitutional Convention assembled, that it is our deliberate judgment and opinion that the true and only efficient remedy for the great and important difficulties arising out of the conditions set forth in the foregoing preamble, lies in the repeat of the XV Amendment of the Constitution of the United States, whereby such restrictions and limitations may be put upon negro suffrage, by the several States, as may be necessary and proper for the maintenance of good and stable governments therein;

Resolved, That we request that the Congress of the United States cause to be submitted to the several States, a proposition to repeal said XV. Amendment

of the Constitution, and that we will cheerfully accept as a condition to such repeal such reduction in representation in the House of Representatives of Congress from Mississippi as may be reasonable and just in view of the diminution of the number of voters in the State consequent upon such repeal of said XV. Amendment. Resolved, That the Senators and Representatives in Congress from Mississippi, are requested to bring these resolutions and preamble to the attention of Congress.

c. Statements by Delegates

The *Clarion-Ledger* of September 18, 1890, reported a speech to the Convention by W. S. Eskridge, of Tallahatchie County, in which he said: ²⁸

We stand confronted, sir, with 70,000 male adult [fol. 831] negroes in this State in excess of the white vote, a majority which if organized and handled by adroit and courageous leaders, might at the ballot box, at any election, by taking the white votes unawares, overthrow the present civil government. It is to prevent such a danger, and to guard against such a calamity that we are assembled here this day. How is this end to be accomplished? Only, in my judgment, by such an adjustment of the basis of suffrage as will secure to the white race a fixed and permanent majority. The white people of the State want to feel and know that they are protected not only against the probability but the possibility of negro rule and negro domination. They demand this at our hands, it is for this they have sent us here, and nothing short of this will satisfy them, or excuse us. The remedy is in our hands, we can if we will afford a safe, certain and permanent white supremacy in our state.

According to the *Clarion-Ledger* of September 18, 1890, Mr. Witherspoon, floater delegate representing Kemper,

²⁸ P90-18. The *Clarion-Ledger*. Jackson, Mississippi. September 18, 1890, p. 1, col. 3.

Lauderdale and Clarke Counties, stated on the floor of the Convention: ²⁹

There is no question that, in this state, the powers of government are politically and constitutionally lodged in the Negro race, and that the paramount object of this Convention is to transfer it to and vest it in the white race, and this could be accomplished in either of four ways: To abolish [the] 15th Amendment, or lodge political power in certain individuals, or by an educational or property qualification, or to lodge political power in certain localities. . . .

Mr. Melchoir of Bolivar County stated in his resolution a recognition of purpose for the convention: ³⁰

[fol. 832] Whereas the manifest intention of this convention to secure to the State of Mississippi 'white supremacy' . . . (Clarion-Ledger, September 25, 1890)

The following eight statements were reported in the *Clarion-Ledger* by its special correspondent to the Convention, J. L. Power.

Mr. McGehee of Franklin County stated: ³¹

I will agree that this is a government of the people, by the people, and for the people; but what people? When this declaration was made by our forefathers it was for the Anglo Saxon people. That is what we are here for today to secure the supremacy of the white race. (September 18, 1890)

²⁹ P90-19. The *Clarion-Ledger*. Jackson, Mississippi. September 18, 1890, p. 3, col. 4.

³⁰ P90-46. "Printed Proposition Number 261, for the Constitutional Convention of 1890," from the papers of Charles K. Regan, in the Mississippi Department of Archives and History, Jackson, Mississippi.

³¹ P90-20. The *Clarion-Ledger*. Jackson, Mississippi. September 18, 1890, p. 3, col. 3.

Mr. Boyd of Tippah County stated: ³²

The right of suffrage is inherent in the Caucasian race and cannot be taken away. (September 11, 1890)

Mr. Yerger of Washington County stated: ³³

There may be some in his section who will not approve it; but all we ask is a fair show for the Anglo Saxon and he will come to the front whenever he has opportunity. (September 11, 1890)

Mr. Bell of Kemper County stated: ³⁴

We are embarked in the same ship of white supremacy, [fol. 833] and it is freighted with all our hopes. (September 11, 1890)

Mr. Miller of Leake County stated: ³⁵

[H]ence I appeal to my brethren and representatives of the white counties to stand by the report of the [Franchise] committee, and let us have the questionable, and shameful methods of controlling the ballot box stopped, these methods are demoralizing to our young men and there is a general outcry that they must cease. I believe the plan as reported by the Committee will effect this great reform. The Committee say they believe it will do so, and still leave the State under the control of the whites. (September 18, 1890)

³² P90-21. The *Clarion-Ledger*. Jackson, Mississippi. September 11, 1890, p. 5, col. 3.

³³ P90-22. The *Clarion-Ledger*. Jackson, Mississippi. September 11, 1890, p. 5, col. 4.

³⁴ P90-23. The *Clarion-Ledger*. Jackson, Mississippi. September 11, 1890, p. 5, col. 4.

³⁵ P90-24. The *Clarion-Ledger*. Jackson, Mississippi. September 18, 1890, p. 2, col. 4.

Judge Calhoon, President of the Convention, stated: ³⁶

We want them [the Negroes] here, but their own good and our own demands that we shall devise some means by which they shall be practically excluded from government control. (September 18, 1890)

Mr. E. Mayes from Lafayette County, who was representing the state at large, in referring to the report of the Franchise Committee, stated: ³⁷

I said, that, if the objective were to pass a Constitution which would secure the control of the State to the [fol. 834] Democratic party, that also was impossible; but, that if the objective were to create a Constitution which would secure the control of the State virtually to the white people in the State that could be done, and Sir, I believe that this report will do it. (September 18, 1890)

Mr. Boothe of Panola County, stated: ³⁸

But suppose the hand of the white man in the black counties is lifted, and the negro is guaranteed a free ballot and a fair count and avails himself of it, and there is no limitation upon suffrage, what would be the result? The gentleman from Tippah might come here as a member of the Senate or House from his county, but he would be confronted by a negro President in the other end of this Capital and be rapped down by a negro Speaker in this hall. (September 18, 1890)

d. Discussion of a Constitutional Interpretation Test

An interpretation test was proposed in the Convention. This would require a voter to be able to read, or to under-

³⁶ P90-25. The *Clarion-Ledger*. Jackson, Mississippi. September 18, 1890, p. 3, col. 2.

³⁷ P90-26. The *Clarion-Ledger*. Jackson, Mississippi. September 18, 1890, p. 1, col. 3.

³⁸ P90-27. The *Clarion-Ledger*. Jackson, Mississippi. September 18, 1890, p. 2, col. 2.

stand, or to give a reasonable interpretation of any section of the Mississippi Constitution.

According to the *Clarion-Ledger*, September 18, 1890, Mr. Eskridge opposed this section in the Convention:³⁹

On the basis of the census of 1880, there is eleven per cent illiteracy amongst the white race, whilst with the blacks the per cent is seventy-six. This scheme [the reading aspect of the test] would therefore disfranchise [fol. 835] only eleven whites in 100, whilst it would reduce the black vote 76 in 100. The advantage therefore in favor of the whites would be very considerable. My objection to this qualification [the understanding clause] I will state very briefly. I fear sir, it will lead to trickery and fraud. The people of the State are looking to us and expecting at our hands to settle the suffrage question on such a basis as will establish beyond doubt white supremacy and place the State above trickery and fraud at the ballot box. This is in our power to do if we have but the courage and manhood to do it.

Adopt this qualification and it places in the hands of the officer who is to apply the test the power to defraud and to disfranchise.

On September 11, 1890 the *Clarion-Ledger* reported that Judge Chrisman from Lincoln County stated:⁴⁰

... I stop to say that the proposition that in 1895 a man shall be able to read the Constitution, or be able to understand any clause of it when read to him, stamps the whole scheme of the Committee with disfavor. It don't look honest, straight-forward or manly. It looks like a farce to make a registration officer decide whether a voter rightly interprets a clause of the Constitution. If the register [sic] decides that the voter rightly interprets the clause, he is a qualified voter. If he does not

³⁹ P90-28. The *Clarion-Ledger*. Jackson, Mississippi. September 18, 1890, p. 1, col. 4.

⁴⁰ P90-29. The *Clarion-Ledger*. Jackson, Mississippi. September 11, 1890, p. 1, col. 1.

understand it he cannot register. This section, the meaning of which has been the subject of learned and dissertation [sic] by the Storys, the Marshalls, and the Sharkeys on the bench, are to be submitted to the voter [fol. 836] who cannot read for construction, and upon the decision of a registration officer as to whether he correctly construes its meaning depends the right of the citizen to vote.

It looks as if it was intended that if a register [sic] wanted the man to vote he would read him some such clause as Slavery except as a punishment for crime should be forever prohibited. 'Do you understand this?' 'Oh yes.' But if he did not want him to vote he would read him the interstate clause or the section forbidding the Legislature to pass *ex post facto* laws and demand a construction.

In a letter to the *Natchez Democrat*, republished in the *Clarion-Ledger* of October 9, 1890, the Honorable G. T. McGehee, delegate from Wilkinson County, was willing to compromise: ⁴¹

Not willing to rest under any such imputation, I write to disclaim the paternity of anything so vague in its application and uncertain in its effect. I was a member of the subcommittee who drew up the Franchise clause throughout. When, however, I found that the white counties would agree to nothing more stringent, I with the other black county men took it on the principle that 'half a loaf is better than no bread.'

A *Clarion-Ledger* editorial for October 9, 1890, stated: ⁴²

Mr. McLean of Grenada, was right when in condemning this section he said, that 'the people sent the delegates to the Convention to secure white supremacy, not by a trick or artifice, not by fraud, strategem, or subterfuge,

⁴¹ P90-30 The *Clarion-Ledger*. Jackson, Mississippi. October 9, 1890, p. 2, col. 2.

⁴² P90-31. The *Clarion-Ledger*. Jackson, Mississippi. October 9, 1890, p. 4, col. 2.

but by brave, open, honest and honorable methods; that this section was a fraud upon its face and the trial of the [fol. 837] serpent was on it all; that the mephitic vapour which arises from the section actually stinks in the nostrils of an honest man and makes one feel like stuffing the registration books.'

Despite the opposition to it, the interpretation test was adopted.⁴³ The section of the Constitution proscribing the interpretation test was reaffirmed by the Convention in late October when a motion was made to reconsider it.⁴⁴ The *Clarion-Ledger* of October 30, 1890 summarized the various positions of the supporters of the interpretation test:⁴⁵

Several reasons may be given why the Convention refused to rescind the 'Understanding Clause' of section 5; Stubbornness on the part of a few delegates; the belief that the clause would work well on the part of others; fear by some that if the 'Understanding Clause' were rescinded that the whole of Section 5 would be repealed; the belief by many that it would exclude from the polls all negroes who could not read; and still others hope that no white Democrat will be denied a vote under it.

The *Clarion-Ledger* of December 18, 1890 reprinted an interview with Governor John M. Stone of Mississippi by a *Memphis Appeal-Avalanche* reporter in December 1889; Governor Stone said in part:⁴⁶

There is some dissatisfaction about that understanding clause in Section 5, but not a great deal. The news-

⁴³ P90-11. *Journal of the Proceedings of the Constitutional Convention of the State of Mississippi*. (Jackson, Mississippi: E. L. Martin, 1890), p. 269.

⁴⁴ P90-12. *Journal of the Proceedings of the Constitutional Convention of the State of Mississippi*. (Jackson, Mississippi: E. L. Martin, 1890), pp. 542-545.

⁴⁵ P90-32. The *Clarion-Ledger*. Jackson, Mississippi. October 30, 1890, p. 4, col. 2.

⁴⁶ P90-33. The *Clarion-Ledger*. Jackson, Mississippi. December 18, 1890, p. 5, col. 1.

[fol. 838] papers made a great deal of fuss about it; still I don't think it will do any great harm; of course much depends upon the way in which it is administered.

D. A Purpose to Discriminate as Shown by Post-Convention Statements

1. Subsequent Comments by Delegates

In 1910 a reunion of the survivors of the Constitutional Convention was held at the State Capitol Building in Jackson.⁴⁷ The *Proceedings of the Reunion of the Surviving Members of the Constitutional Convention of 1890*, the official journal of the meeting, contained a speech by Mayre Dabney, delegate from Warren County, who restated the purpose of the Convention:⁴⁸

It was understood in advance of the call for that Convention, that the primary purpose of it was to adopt some provision in our organic law which would secure to the State a good and stable government, freed from the incubus of Republican or negro rule from which we had suffered since the adoption of the 1869 constitution. . . . All understood and desired that some scheme should be evolved which would effectively remove from the sphere of politics in the State the ignorant and unpatriotic negro. This was recognized as a necessity in the establishment of a State government under which we could live and prosper.

⁴⁷ P90-35. The *Proceedings of the Reunion of the Surviving Members of the Constitutional Convention of 1890*. (1910)

⁴⁸ P90-36. The *Proceedings of the Reunion of the Surviving Members of the Constitutional Convention of 1890*. (1910)

[fol. 839] Referring to one of the clauses most effective in the disfranchisement of the Negro, Dabney stated: ⁴⁹

By Section 243 of the Constitution it is provided that no criminal proceedings shall be allowed to enforce the collection of the poll tax . . . This provision, of course, is in furtherance of the franchise plan of the constitution and is intended to keep negroes from being forced to pay poll taxes, thus making voters of them. There have occasionally been suggestions by persons who have not lived in the 'black counties' that this provision should be repealed in order to raise revenue by collecting the poll tax from negroes. Such a course would, I think, be suicidal and destroy the whole work for which the Convention of 1890 was called and would at once jeopardize the excellent State government now completely in the control of the white people of the state.

In 1927 on the thirty-seventh anniversary of the adoption of the Constitution the surviving members of the Convention met at Jackson.⁵⁰

According to the minutes of this reunion: "The delegates were called to order by Edgar S. Wilson. He stated on that day, thirty-seven years ago, the Constitutional Convention of 1890 enacted an organic law which gave Mississippians Anglo-Saxon government, and adjourned."⁵¹

⁴⁹ P90-37. *The Proceedings of the Reunion of the Surviving Members of the Constitutional Convention of 1890.* (1910)

⁵⁰ P90-37. *The Proceedings of the Reunion of the Surviving Members of the Constitutional Convention of 1890.* (1927), p. 5.

⁵¹ P90-41. *The Proceedings of a Reunion of the Surviving Members of the Constitutional Convention of 1890.* (1927), p. 5.

The publication of this reunion also contained the following three speeches by former delegates:

[fol. 840] Judge R. H. Thompson, Chairman of the surviving delegates, discussed the achievement of their convention:⁵²

It was no easy task for the convention to which we were delegates to enact a state constitution practically eliminating from the electors of the State at least eight-tenths of its colored people, citizens of the United States, in the face of the fifteenth amendment to the constitution of the United States, providing that 'the right of a citizen of the United States to vote shall not be denied or abridged on account of race, color, or previous condition of servitude.

The fifteenth amendment to the Federal Constitution was not violated by our State Constitution in the enactment of which we only circumvented by Anglo-Saxon ingenuity. There is not a word in the constitution of 1890 which discriminated against the colored people; race characteristics alone can be said to have been causes of disfranchisement.

N. C. Hathorn from Covington County praised the delegates as:⁵³

Men whose mighty intellect always yielded to the thought to do something worthwhile for the democracy and white supremacy of Mississippi, without fraud, intimidation, or bloodshed. . . . They were men of far-seeing vision, with an eye single to the progress and development of Mississippi, through white supremacy.

⁵² P90-42. *The Proceedings of a Reunion of the Surviving Members of the Constitutional Convention of 1890*. (1927), p. 11.

⁵³ P90-43. *The Proceedings of a Reunion of the Surviving Members of the Constitutional Convention of 1890*. (1927), p. 17.

One of the delegates from Grenada County, William C. McLean, observed that:⁵⁴

[fol. 841] [T]he burning, all-absorbing question before the convention was, how to make the State of Mississippi safe politically, for the white people. . . . With this provision [Fifteenth Amendment] in the Federal Constitution the gravity of the situation can well be imagined, when the effort was made to practically disfranchise the negro race. The members of that committee for three full weeks were engaged in debating this momentous issue.

. . . out of the mill was ground the franchise article in our present constitution, which will ever protect us from an irresponsible class.

It was perfectly well understood in that convention that our civilization depended upon the supremacy of the white race in Mississippi. . . . The supreme question before that convention was how to meet these conditions, and has been well said, while we could not defeat the right of the colored man to vote on account of 'race, color, or previous condition,' we belted the whole circle of expedients in legislating against his habits and weaknesses, and, without infringing the provisions of the Constitution of the United States, we provided for perpetual white supremacy in the State of Mississippi. . . .

The purpose of the Constitutional Convention of 1890 was later discussed by key delegates. Judge Thompson, from Lincoln and Jefferson Counties, recalled in an address to the Mississippi State Bar Association:⁵⁵

There is scarcely a conceivable scheme having the least tendency to eliminate the Negro vote that was not duly

⁵⁴ P-90-44. *The Proceedings of a Reunion of the Surviving Members of the Constitutional Convention of 1890*. (1927), pp. 28-30.

⁵⁵ P90-50. R. H. Thompson. *Mississippi Constitution of 1890—An Address Delivered to the Mississippi State Bar Association*. (Biloxi, Mississippi: 1923), pp. 16-17.

considered by the Committee on franchise and as well [fol. 842] by all the delegates to the convention. It is regrettable that all the suggestions on the subject considered by the Convention were not recorded; had they been preserved the record would be a monument to the resourcefulness of the human mind.

Judge Thompson concluded that some sections of the Constitution had suffered from the delegates' preoccupation with the suffrage question. He also said: ⁵⁶

It [Constitution of 1890] grants too much power to the Chief Executive, caused in part no doubt by confidence in the ability and integrity of the great and good man, John M. Stone, then Governor of the State, and in part by an apprehension of inability to so diminish the negro vote as to absolutely secure the election of Democratic legislatures; coupled with confidence in the efficiency of the electoral scheme devised for the election of Democratic governors.

He also commented on the popular reaction to the Convention: ⁵⁷

From the time of the approval of the statute providing for the Convention until its work was practically accomplished, the newspapers of the state were burdened with letters from all sorts of people, making suggestions as to ways and means to defeat the Negro vote . . .

The suggestions unmistakably showed, however, that the people of the state were thoroughly awake to the necessity of relief from the then existing conditions.

[fol. 843] In an article written for the *Publication of the Mississippi Historical Society* in 1902 J. S. McNeilly, a

⁵⁶ P90-51. R. H. Thompson. *Mississippi Constitution of 1890—Address Delivered to the Mississippi State Bar Association*. (Biloxi, Mississippi: 1923), p. 32.

⁵⁷ P90-52. R. H. Thompson. *Mississippi Constitution of 1890—An Address Delivered to the Mississippi State Bar Association*. (Biloxi, Mississippi: 1923), p. 10.

former delegate and member of the Franchise Committee of the Constitutional Convention said:⁵⁸

The first thought of the men who directed the overthrow of carpet-bag and negro rule in 1875 was a Constitutional Convention, to devise an organic law that would guard the state against any possible recurrence of that state of confusion and calamity. (p. 129)

Symptoms of the diseased political condition grew so acute that the demand for suffrage restriction to effect an electorate under which there could be white supremacy through honest elections became quite imperative. (p. 130)

... This was of the first importance—that devices of such grave import and novel character be placed in the organic law of the state by a practically united and common assent. It was with a full realization of this primal duty in the construction of a plan that the (franchise) committee entered upon the long and arduous labor. The insistence of the black county delegates for a drastic restriction of suffrage, and the tenacity of white counties against radical infringement upon inherited privileges and white manhood, were met to measure strength on patriotic grounds. The inspirations of a common peril commanded the two forces to fuse their antagonisms. (pp. 132-133)

... The first step in its (the suffrage problem) solution was legislative apportionment creating a majority of white constituencies—the legal basis and bulwark of the design of white supremacy in a State with an overwhelming and a growing negro majority. That achievement [fol. 844] ment would guarantee the law-making branch

⁵⁸ P90-48. J. S. McNeilly, "History of the Measures Submitted to the Committee on Elective Franchise, Apportionment, and Elections in the Constitutional Convention of 1890." *Publications of the Mississippi Historical Society*. (Oxford, Mississippi: Printed for the Society, 1902), pp. 129-140.

of government, and place the election of United States Senators above legal or partisan impeachment. (p. 133)

... The end was obtained by increasing the Legislature's representative branch thirteen members, with allotment of the increase to the white counties. The majority thus effected was added to by carving several legislative districts out of white sections of black counties. (p. 134)

... Having provided for complete and lawful security of the legislature department and incidentally of the election of United States Senators, as the basis of white supremacy, the value and advantages of the representative apportionment were then extended to the other two branches of the state government—the executive and the judiciary. This was accomplished by the adoption, in the (franchise) committee, of the novel 'electoral plan' ... contained in Section 140 of the Constitution.

The design of the legislative apportionment, with its electoral supplement, was to erect an impregnable barrier to any possible organization of the negro majority, by extraneous force or by internal faction, for political dominance. (p. 135)

The integrity of the State government being effected through the apportionment and the electoral plan, the committee had on its hands the question of limiting the suffrage privilege. For effect upon the county governments this was to the black counties the most pressing consideration of the whole problem. The delegates from those counties generally favored an alternative educational—a reading and writing—or a property qualification. And such a provision was adopted in the committee, [fol. 845] but voluntarily rescinded on account of the extreme opposition of the minority membership. In lieu of it the 'understanding' clause was adopted ... Section 244 of the Constitution. The suffrage was

further restricted by the requirement of an unusually long local residence.

... What has proved the most effective instrumentality of negro disfranchisement is the two dollar optional poll tax prerequisite, which persons otherwise competent as electors may elect to pay or not according to their desire to qualify for exercise of the voting privilege. These provisions were supplemented by the further one of making registration to close four months before an election. ... (p. 136)

These several suffrage requirements combined were deemed sufficient for the end in view, as they have so proved in even the blackest parts of the State. They have, as they were intended, reduced the negro majorities to a negligible political quantity. (p. 137)

Concisely and correctly summed up, of the two ills Mississippi chose the lesser. She has exchanged an organic malady for a functional disorder. The Convention substituted a desiccated for a diseased electorate. The ensuing ills of the present state are within the check and correction of the white citizens. (p. 138)

2. Subsequent Comments by Historians and Newspapers

Subsequent commentaries were explicit about the racial purpose and effect of the interpretation test. In an editorial entitled "An Admitted Fact" the Jackson newspaper which served as the unofficial journal for the Convention stated, in reference to a speech of Senator Ingalls in the United States Senate:⁵⁹

[fol. 846] The *Clarion-Ledger* regrets that the exact language of Senator Ingalls and quotations are not published. If he undertook to prove by editorials from this paper that the Constitution [convention] was called to restrict suffrage—negro suffrage, if you please—his efforts were vain and labor useless for that was very generally admitted.

⁵⁹ P90-34. The *Clarion-Ledger*. Jackson, Mississippi. December 25, 1890, p. 4, col. 4.

All the plans published before the assembling of the Convention; all those offered during its sitting, and ninety per cent of the speeches made, were arguments in favor of restricting the negro vote. That was the one thought of the people and the delegates of the Convention, and but for the hope that some scheme might be adopted to place the political control of the State in the hands of the white people, the Convention would not have been assembled.

Let Ingalls chew his cud till his jaws are tired, and make the most of the action of the Convention. The purpose for which it assembled, the restriction of suffrage, was largely accomplished. The people would have been satisfied with nothing less.

In changing the organic law so as to give the white people control of the government, without the necessity of 'heroic campaigns,' the Convention did not expect nor desire to please such men as Mr. Ingalls, and our people are indifferent to their ravings now as they were to their wishes then. The white people of Mississippi will control the affairs of the State. Mr. Ingalls can quote this in his next speech.

In *Mississippi Constitutions* (1928), George H. Ethridge, an associate judge of the Supreme Court of Mississippi, discussed various sections of the Constitution of 1890. Referring to Section 241, he stated:⁶⁰

[fol. 847] It is said that this section while it does not discriminate against any person or race, it discriminates as to their character and nature.

* * * * *

This is one of the methods of disfranchising the negro, because the ignorant negro more often committed these offenses than members of the white race. Although the constitutional convention could not discriminate against the race under the Fifteenth Amendment, it could dis-

⁶⁰ P90-53. George Ethridge. *Mississippi Constitutions*. (Jackson, Mississippi: Tucker Printing House, 1928); p. 424.

criminate against the criminal tendencies of that race and did so as a means of getting rid of the evil effects of the Fifteenth Amendment.

Referring to Section 244, Judge Ethridge explained: ⁶¹

Of course, a person who cannot read would be largely at the mercy of the registrar in testing his understanding of the constitution. The registrar could pick out any section he desired and read it to him and call on him to explain it.

He said that Section 251: ⁶²

... was a part of the scheme to acquire white supremacy, and the convention was searching the field of expedients for methods to accomplish that end, which this section was one of the factors in obtaining.

Judge Ethridge also discussed the apportionment plan contained in Section 254 of the Constitution of 1890: ⁶³

On account of the large negro population in some of the counties compared to whites the voting strength of a [fol. 848] county is no real index of its population for negroes do not often participate in the general elections and under the primary election law each party must nominate its candidates by a primary and only the party represented by the whites has such a primary. It is probable that originally the convention was apportioning members of the legislature according to race population and that it was a part of the scheme of guaranteeing honest and capable government by having the legislature at all times under the control of the white counties, that is, counties in which the white population predominates. As has been seen in the article on franchise we had a great problem of maintaining

⁶¹ P90-54. George Ethridge. *Mississippi Constitutions*. (Jackson, Mississippi: Tucker Printing House, 1928), p. 429.

⁶² P90-55. George Ethridge. *Mississippi Constitutions*. (Jackson, Mississippi: Tucker Printing House, 1928), p. 435.

⁶³ P90-56. George Ethridge. *Mississippi Constitutions*. (Jackson, Mississippi: Tucker Printing House, 1928), p. 439.

honest and efficient government in the state while the ignorant, vicious and transient negro could vote and under the federal act readmitting Mississippi to the Union it was somewhat doubtful whether the Congress would acquiesce in any scheme that would deny the negro the right to vote.

Therefore it was wise to provide for such apportionment as would secure the control of the legislature by the intelligent and patriotic white race.

In apportioning representatives by creating flitorial districts the same result could be accomplished, thus guaranteeing white supremacy in the legislature even should the franchise provisions prove ineffective. By other sections the elective votes were provided for and in case a candidate did not get both the popular vote and the electoral vote the election of the governor and other state officers were elected by the house of representatives thus making provision for white supremacy in the executive department.

[fol. 849] In reference to Section 256 Judge Ethridge said: ⁶⁴

This is one of the sections providing for white supremacy in the state. It grouped the counties in such a fashion that the white votes as then located, would at all times be enabled to control the legislature.

The qualification of an educational nature, as well as all the others can be overcome in time, but if the people preserve their knowledge of the past and love free, orderly government under wise and patriotic white men, they will preserve these contrivances which guarantee white supremacy in the state government although so far the suffrage qualifications have operated effectively and it has not been necessary to resort to legislative election under these other sections to accomplish that purpose.

⁶⁴ P90-57. George Ethridge. *Mississippi Constitutions*. (Jackson, Mississippi: Tucker Printing House, 1928), p. 445.

[fol. 850] ANSWER TO INTERROGATORY NUMBER 2(B) AS TO THE NAME AND OFFICIAL CAPACITY, IF ANY, OF EACH PERSON WHO THE UNITED STATES CLAIMS WAS MOTIVATED BY A PURPOSE TO RESTRICT THE NEGRO FRANCHISE AND TO ESTABLISH AND PERPETUATE WHITE POLITICAL SUPREMACY AND RACIAL SEGREGATION AND THE SPECIFIC MANNER OR MEANS BY WHICH SUCH PURPOSE WAS EXECUTED OR PUT INTO EFFECT.

The name and official capacity of each person who was motivated by this purpose and the specific manner or means by which such purpose was executed or put into effect are as follows:

- | | |
|------------------|--|
| S. S. Calhoun, | —President of the Constitutional Convention; delegate from Hinds County, Attorney and Judge. |
| J. L. Alcorn, | —delegate from Coahoma County, and Attorney. |
| B. H. Allen, | —delegate from Tishomingo County. |
| A. Arrington, | —delegate from Jones County and member of the Mississippi House of Representatives. |
| Jno. A. Bailey, | —delegate from Lauderdale County. |
| Jno. R. Baird, | —delegate from Sunflower County. |
| W. L. Bassett, | —delegate from Neshoba County. |
| Thos. P. Bell, | —delegate from Kemper County, and Attorney. |
| Jas. R. Binford, | —delegate from Montgomery County. |
| H. I. Bird, | —delegate from Lawrence County. |
| W. A. Boyd, | —delegate from Tippah County. |
| D. Bunch, | —delegate from Yazoo County. |
| R. B. Campbell, | —delegate from Washington County. |
| J. P. Carter, | —delegate from Perry County. |
| J. B. Chrisman, | —delegate from Lincoln County and Judge of Circuit Court of Mississippi, Seventh District. |

R. A. Dean,

—delegate from Lafayette County
and member of Mississippi Sen-
ate.

[fol. 851]

W. M. Denny,
Geo. G. Dillar,

—delegate from Jackson County.
—delegate for Noxubee County
and member of Mississippi Sen-
ate.

Geo. L. Donald,

—delegate from Clarke County
and Sheriff of Clarke County.

G. W. Dyer,
Jas. W. Edwards,
Wm. S. Farish,

—delegate from Panola County.
—delegate from Lowndes County.
—delegate from Issaquena Coun-
ty and District Attorney of Mis-
sissippi, Fourth District.

D. S. Fearing,
J. W. Fewell,
Geo. J. Finley,
J. D. Fontaine,
T. S. Ford,
J. Z. George,

—delegate from Hinds County.
—delegate for State-at-Large.
—delegate from Marshall County.
—delegate from Pontotoc County.
—delegate for State-at-Large.
—delegate for State-at-Large and
Senator in the United States
Congress.

F. M. Glass,
N. D. Guerry,
A. B. Guynes,
D. T. Guyton,
F. M. Hamblett,
J. G. Hamilton,

—delegate from Attala County.
—delegate from Lowndes County.
—delegate from Copish County.
—delegate from Attala County.
—delegate from Quitman County.
—delegate from Holmes and Ya-
zoo Counties.

T. L. Hannan,
W. P. Harris,
T. T. Hart,
N. C. Hathorn,

—delegate from Choctaw County.
—delegate from Hinds County.
—delegate from Hinds County.
—delegate from Covington Coun-
ty.

Jno. Henderson,
Elliot Henderson,
P. Henry,

—delegate from Clay County.
—delegate from Harrison County.
—delegate for State-at-Large and
member of the Mississippi Sen-
ate.

C. K. Holland,

—delegate from Calhoun County.

[fol. 852]

- | | |
|-------------------|--|
| H. S. Hooker, | —delegate from Holmes County. |
| R. G. Hudson, | —delegate for State-at-Large. |
| Thos. D. Isom, | —delegate from Lafayette County. |
| J. H. Jamison, | —delegate from Noxubee County. |
| D. S. Johnson, | —delegate from Chickasaw County. |
| J. H. Jones, | —delegate for State-at-Large and member of the Mississippi Senate. |
| Walter L. Keirn, | —delegate from Holmes County and Levee Commissioner for Holmes County. |
| James Kennedy, | —delegate from Clay County. |
| J. Kittrell, | —delegate from Green County. |
| W. J. Lacey, | —delegate from Chickasaw County. |
| R. C. Lee, | —delegate from Madison County. |
| S. D. Lee, | —delegate from Oktibbeha County and President of Mississippi Agriculture and Mechanical College. |
| T. P. Lee, | —delegate from Yazoo County. |
| Geo. H. Lester, | —delegate from Yalobusha County. |
| W. F. Love, | —delegate from Amite County. |
| E. J. Marett, | —delegate from Marshall County. |
| Edward Mayes, | —delegate for State-at-Large and Chancellor of the University of Mississippi. |
| Monroe McClurg, | —delegate from Carrol County. |
| Will T. McDonald, | —delegate from Benton County and member of the Mississippi Senate. |
| F. J. McDonnell, | —delegate from Monroe County. |
| J. H. McGehee, | —delegate from Franklin County. |
| G. T. McGehee, | —delegate from Wilkinson County. |
| F. A. McLain, | —delegate from Amite and Pike Counties. |
| Wm. C. McLean, | —delegate from Grenada County. |
| J. S. McNeily, | —delegate for State-at-Large. |

[fol. 853]

- Issiah T. Montgomery, —delegate from Bolivar County,
 Jordon L. Morris, —delegate from Wayne County.
 H. L. Muldrow, —delegate for State-at-Large.
 J. R. Murff, —delegate from Monroe County.
 T. V. Noland, —delegate from Wilkinson County
 and member of Mississippi
 House of Representatives.
 J. W. Odom, —delegate from DeSoto County.
 S. E. Packwood, —delegate from Pike County.
 J. K. P. Palmer, —delegate from Scott County.
 A. J. Paxton, —delegate from Washington
 County.
 C. O. Potter, —delegate from Union and Ponto-
 toc Counties.
 Sam Powel, —delegate from DeSoto County.
 J. R. Puryear, —delegate from Tate County and
 member of Mississippi House of
 Representatives.
 Chas K. Regan, —delegate from Claiborne County.
 L. P. Reynolds, —delegate from Alcorn County.
 L. I. Rhodes, —delegate from Lee County.
 W. C. Richards, —delegate from Lowndes County.
 S. W. Robinson, —delegate from Rankin County.
 J. P. Robinson, —delegate from Union County.
 J. J. Rotenberry, —delegate from Yalobusha Coun-
 ty.
 J. S. Sexton, —delegate for State-at-Large.
 Jno. M. Simonton, —delegate from Lee County.
 H. F. Simrall, —delegate from Warren County.
 Murray F. Smth, —delegate from Warren County.
 W. F. Spence, —delegate from Hancock County.
 H. M. Street, —delegate from Lauderdale Coun-
 ty and member of the Missis-
 sippi House of Representatives.

[fol. 854]

- T. W. Sullivan, —delegate from Carroll County
 and member of Mississippi
 House of Representatives.
 E. O. Sykes, —delegate from Monroe County.

Allen Talbot,	—delegate from Benton and Tip- pah Counties and member of the Mississippi House of Repre- sentatives.
R. H. Taylor,	—delegate from Panola County.
R. H. Thompson,	—delegate from Lincoln and Jef- ferson Counties.
Steve H. Turner,	—delegate from Itawamba County.
T. S. Ward,	—delegate from Madison County.
Olivar C. Watson,	—delegate from Winston County.
W. C. Wilkinson,	—delegate from Copiah County.
Frank K. Winchester,	—delegate from Adams County.
Wm. D. Witherspoon,	—delegate from Lauderdale, Kemp, and Clarke Counties and member of the Mississippi House of Representatives.
W. P. Wyatt,	—delegate from Tate County.

Each of the 104 delegates named in the preceding list was motivated by the purpose of restricting the Negro franchise and of establishing and perpetuating white political supremacy and racial segregation in Mississippi to the extent that each of them voted in favor of adopting the Constitution of 1890.¹

The vote of each of these delegates for the adoption of the Mississippi Constitution was the specific manner and means by which such purpose was executed.

¹ P90-59, *Journal of the Proceedings of the Constitutional Convention of the State of Mississippi*. (Jackson, Mississippi: B. L. Martin, 1890), pp. 637-638.

[fol. 855] ANSWER TO INTERROGATORY NUMBER 4 (B) AND (C) AS TO THE NAME AND OFFICIAL CAPACITY, IF ANY, OF EACH PERSON WHO THE UNITED STATES CLAIMS DESIGNED SECTION 244 OF THE MISSISSIPPI CONSTITUTION OF 1890 TO ACCOMPLISH THE PURPOSE OF RESTRICTING THE NEGRO FRANCHISE AND ESTABLISHING AND PERPETUATING WHITE POLITICAL SUPREMACY AND RACIAL SEGREGATION IN MISSISSIPPI, AND AS TO THE PARTICULAR MEANS OR MANNER BY WHICH THIS DESIGN WAS ACCOMPLISHED OR PUT INTO EFFECT.

The name and official capacity, if any, of each person who the United States claims designed Section 244 of the Mississippi Constitution of 1890 to accomplish the purpose of restricting the Negro franchise and establishing and perpetuating white political supremacy and racial segregation in Mississippi are as follows:

R. C. Patty
 Z. B. George
 W. T. Martin
 Sam Powel
 R. G. Hudson
 G. H. Lester
 W. C. Richards
 J. A. Blair
 J. S. McNeily
 J. B. Boothe
 J. M. Simonton
 J. M. Street
 R. A. Dean
 Monroe McClurg
 H. S. Hooker
 W. H. Morgan
 G. T. McGehee
 J. R. Binford
 T. P. Bell
 J. R. Puryear
 L. P. Reynolds
 C. K. Regan

One of the duties of the Committee on Elective Franchise, Apportionment, and Elections was to draw up the qualifications for electors in Mississippi. The proposal made by this committee regarding voter qualifications was adopted

by the Convention,¹ and the proposal became Article XII, Section 244, of the Mississippi Constitution of 1890.

[fol. 856] Each of the persons named in the preceeding list was a member of the Franchise Committee who voted in favor of adopting Section 244 of the Mississippi Constitution.

The vote cast by each of these persons in favor of adoption of Section 244 was the particular means by which the design of restricting the negro franchise and establishing and perpetuating white political supremacy and racial segregation in Mississippi was accomplished.

[fol. 857] ANSWER TO INTERROGATORY NUMBER 7 AS TO THE FACTUAL BASIS FOR THE ASSERTION AND ALLEGATIONS MADE IN PARAGRAPH 21 OF THE COMPLAINT THAT DURING THE PERIOD FROM 1899 TO APPROXIMATELY 1952, WHITE POLITICAL SUPREMACY IN MISSISSIPPI WAS MAINTAINED AND PROMOTED BY THREE METHODS AMONG OTHERS: NEGROES WERE NOT ALLOWED TO REGISTER; TO VOTE; LITERATE NEGROES WERE REQUIRED TO INTERPRET SECTIONS OF THE MISSISSIPPI CONSTITUTION; NEGROES WERE EXCLUDED FROM DEMOCRATIC PRIMARY ELECTIONS.

The factual basis for the assertion and allegations made in Paragraph 21 of the Complaint that during the period from 1899 to approximately 1952, white political supremacy in Mississippi was maintained and promoted by three methods among others is as follows:

1. Statements By Negroes Who Were Not Allowed to Register to Vote

Appendix A includes record of the experiences of Negroes who were refused registration in Mississippi counties during the period from 1890 through 1955.

[fol. 858] II. Statistics for the Period 1890 Through 1952

In 1899 there were approximately 140,000 registered voters in Mississippi. Of this total approximately 18,000 or

¹ P. 90-58, *Journal of the Proceedings of the Constitutional Convention of the State of Mississippi*. (Jackson, Miss. E. L. Martin, 1890), P. 269-270.

13% were Negroes.¹ At this time Negroes constituted over 57% of the voting age population of the State.²

During the period from 1899 through 1952 Negroes constituted at least 45% of the total population of the State.³ As late as 1952 over 41% of the voting age population in Mississippi were Negroes.⁴ Certain registration books of six Mississippi counties for periods prior to 1953 have been photographed and examined. Among these counties are Grenada, Hinds, Jefferson Davis, Panola, Quitman and Tunica.

[fol. 859] The registration statistics from these books show the percentage of Negroes registered to vote in Mississippi has declined steadily during the last seventy years, although the rate of illiteracy among Negroes of voting age decreased steadily during the same time. In 1899 the rate of illiteracy was approximately 53%.⁵ By 1952 it was less than nine per cent.⁶

¹ C-4. *Biennial Report of the Secretary of State to the Legislature of Mississippi for the Years 1898 and 1899.* (Jacksonville, Florida: Vance Printing Co., State Printers for Mississippi, 1900), p. 171.

² C-6. *Biennial Report of the Secretary of State to the Legislature of Mississippi for the Years 1898 and 1899.* (Jacksonville, Florida: Vance Printing Co., State Printers for Mississippi, 1900), p. 154.

³ C-17. *U. S. Census of Population: 1960. General Population Characteristics, Mississippi.* Final Report PC(1)-26B. U. S. Bureau of the Census (Washington, D. C.: Government Printing Office, 1961), p. 26-26.

⁴ C-15 and C-16. *U. S. Census of Population: 1960. General Population Characteristics, Mississippi.* Final Report PC(1)-26B. U. S. Bureau of the Census. (Washington, D.C.: Government Printing Office, 1961), pp. 26-27 and 26-30.

⁵ C-9. *Negroes in the United States.* Department of Commerce and Labor, Bureau of the Census. Bulletin 8. (Washington, D. C.: Government Printing Office, 1904), p. 136.

⁶ E-67. *Statistical Data on School Session, 1952-1953.* Mississippi Department of Education, Division of Administration and Finance, p. 1.

A. In *Grenada County* between 1892, the year of the state-wide re-registration, and 1896, 303 Negroes became registered to vote.⁷ The registration books for the City of Grenada, where almost 40% of the county population reside, indicate that between 1896 and 1948, a period of more than fifty years, less than seventy Negroes have become registered.

B. In *Hinds County* only about 226 Negroes registered in this county between 1892 and 1934.

The registration books also indicate that during the next registration period, 1934 through 1940, only 117 Negroes registered to vote, a decrease of 40%.

Another new registration period extended from 1941 through 1949. During this time approximately 1,450 Negroes in Hinds County registered to vote. Of this total, only 175 [fol. 860] were registered between 1941 and 1945. The majority of the increase was due to the registration of war veterans who applied between 1946 and 1948. In 1946, 390 Negroes were registered; in 1947, 651; and in 1948, 185; by 1949, the number of Negro registrants for the year had dropped to 56.

C. In *Jefferson Davis County* the registration books for 16 precincts indicate that from 1905 through 1922, 847 Negroes became registered to vote. In 1923 a re-registration was held. By 1934, the end of this registration period, the Negro registration had dropped to 289, a decrease of more than 65%. By 1948, the Negro registration for these same 16 precincts had increased to only 520. Thus, from 1903 to 1948 Negro registration dropped over 39%.

In another precinct in Jefferson Davis County there were 21 Negroes registered to vote during the registration period 1905 through 1922. In 1948 there were only two Negroes still registered.

D. In *Panola County*, registration books show that in the ten year period between 1876 and 1885, at least 1,600

⁷ C-3. *Biennial Report of the Secretary of State to the Legislature of Mississippi for the Years 1898 and 1899.* (Jacksonville, Florida: Vance Printing Co., State Printers for Mississippi, 1900), p. 167. (page 2 of Exhibit C-3)

Negroes registered to vote. In 1896, after the state re-registration, the number of registered Negroes in the county was 114⁸ and by 1899 had increased to 385.⁹ In 1963, there

[fol. 861] E. In one *Quitman County* precinct over 200 Negroes were registered between 1877 and 1890, a period of 14 years. A re-registration was made in 1892. For the years 1892 through 1950, a period of 57 years, Negro registration totaled less than 160 persons.

F. In *Tunica County*, Tunica precinct had at least 57 Negroes registered from 1899 to 1904. After a re-registration in 1919, no Negroes appeared on the books of that precinct. By 1928 in all precincts in the county there were only six Negroes registered. The poll books for 1946 through 1952 show only four Negroes registered during that period.

⁸ C-2. *Biennial Report of the Secretary of State to the Legislature of Mississippi for the Years 1896 and 1897.* (Jackson, Mississippi, 1897), p. 67. (page 2 of Exhibit C-2)

⁹ C-3. *Biennial Report of the Secretary of State to the Legislature of Mississippi for the Years 1898 and 1899.* (Jacksonville, Florida: Vance Printing Co., State Printers for Mississippi, 1900), p. 168. (page 3 of Exhibit C-3) were 2 negroes registered.

[fol. 862]

III

White Primary Elections in the State of Mississippi

In 1902 the legislature of Mississippi made mandatory the primary election system as the method for choosing candidates for public offices.¹

In 1903 Major J. K. Vardaman, candidate for governor, asked that none but white Democratic voters be allowed to participate in the primary.² The Hinds County Democratic Executive Committee resolved in 1903 as follows:

Be it resolved by the Democratic primary election held in Hinds County on the 6th day of August, 1903 for the purpose of nominating candidates for State, District, County, and County District Offices and if a second primary election becomes necessary that the same be held on the 27th day of August, 1903 and that said election be held and governed by the laws of the State of Mississippi. *All white Democrats possessing the qualifications required by law and the State Democratic Committee are allowed to participate in said elections.*³ (emphasis added)

In 1903, the Fayette County Democratic Executive Committee prohibited Negroes from voting in the primary:

The Fayette County Democratic Executive Committee met yesterday and decided to print the names of all State, National, and District candidates on the ticket without any charge.

*White democrats only will be allowed to vote the primary.*⁴ (emphasis added)

[fol. 863] The Democratic State Executive Committee met in 1907 and resolved that the primary elections for State offices should be for white persons only. The following is a report of this meeting: (emphasis added)

¹ Miss. Session Laws, 1902, Ch. 66.

² The Clarion-Ledger, July 24, 1902, p. 4.

³ The Clarion-Ledger, July 7, 1903, p. 1.

⁴ The Clarion-Ledger, July 16, 1903, p. 1.

The Democratic State Executive Committee met yesterday at noon in the Senate chamber for the purpose of naming the dates of the Democratic primary for the nomination of candidates for the Fall election.

On motion, a committee was appointed headed by Chairman Lomax to draft a form for ballot to be used in the primary and the other members were Messrs. Haley and George.

The committee on resolutions—Messrs. Sterling, Fant, Rainey, and George submitted the following report which was adopted:

Resolved that the primary election for the selection of the nominees of the Democratic Party to be held on the first day of August 1907 and the second primary to be held on Thursday the 27th day of August, 1907.

Resolved, in addition to the qualifications prescribed by law for the voters in said primaries, all voters therein shall be white democrats.⁵

The State Democratic Executive Committee met on August 10, and 11, 1915 to discuss the August 3, 1915, primary election. Various resolutions which were proposed with respect to the integrity of this election indicate that it was understood that primary elections were only for white persons. A resolution by L. C. Hollum which was unanimously passed read, in part, as follows:

Whereas, said resolutions in a general way and without any foundation in fact unjustly reflect on the white democratic elections in this state, and . . .

Be it resolved by the State Democratic Committee that we hereby declare the election just concluded an honest and patriotic expression of the choice of the white democrats of Mississippi for the nominees to the various offices voted on.

⁵ *The Clarion-Ledger*, June 6, 1907, p. 3.

Be it further resolved, that we heartily congratulate all the defeated candidates from Governor down for the manner in which they gracefully accepted the verdict registered on August 3rd by the White Democrats of Mississippi. . . .⁶

[fol. 865] Regulation adopted by the State Democratic Executive Committee on July 1, 1922, for holding Democratic Primary Elections on August 15 and September 5, 1922 state, in part, as follows:

That only white Democrats who are duly and legally qualified electors that voted the Democratic ticket in the presidential election of 1920, or who would have done so had they gone to the election, or been legally entitled to vote in that election, Be Allowed to Vote in Such Primary.⁷

In 1944 the Supreme Court of the United States held that prohibiting Negroes from voting in "white primaries" was unconstitutional. Many Negroes returning from World War II decided to vote on July 2, 1946, in the Democratic primary election for United States Senator. Senator Theodore Bilbo who was renominated to the Senate in this primary, testified before a Special Senate Committee in 1946 as follows:

Please let me call your attention to the fact that this is the first Democratic primary held in Mississippi in 56 years where the Negro citizens of this State have offered or attempted to vote, and you can readily appreciate the keen interest that was aroused throughout the state among the white Democratic voters as well

⁶ Minutes of the Democratic Executive Committee of Mississippi—August 10-11th, 1915. J. M. McBeath, chairman. Douglass Robinson—Secretary Pro Tem: Mississippi—State Department of Archives.

⁷ Regulations adopted at meeting in Jackson, Miss. on July 1, 1922. Robert Powell, Chairman; D. F. Lawrence, Secretary.

as the great opposition such attempt aroused in the minds of all the people of this State.⁸

[fol. 866] Efforts were made by party officials to prevent Negroes from voting in the July 2, 1946 primary election in Mississippi.

George Butler, a member of the State Democratic Executive Committee, testified before the Senate Committee.

Back in the old days the State Democratic executive committee, by resolution, at each election specified that only white Democrats should be permitted to take part in the Democratic—in the Democratic primary.

[Butler then proceeds to discuss a meeting of the State executive committee in 1946 to decide how to deal with Negro voters in the July 2 primary.]

The opinion of the majority of the committee was—I think all of them, in fact—certainly all of those who were lawyers, who had studied these cases and listened to our report—thought that under the Texas case and the Georgia case that if the Negro possessed all the qualifications enumerated in the statute, was duly registered, and so forth and so on, that he had a legal right to vote. I think it was the unanimous opinion—although nothing was spread on in this about it—that they didn't want him to vote, therefore, he wouldn't vote, and we thought the best thing to do was to say nothing and not agitate the matter one way or another and let matters take their course, and so that course was pursued.⁹

[fol. 867] Senator Bilbo, the senior Senator from Mississippi, was quoted as saying during the 1946 campaign:

⁸ *Hearing Before The Senate Special Committee to Investigate Campaign Expenditures, 1946, 79th Congress, 2nd Session, p. 333.*

⁹ *Hearing Before the Senate Special Committee to Investigate Campaign Expenditures, 1946, 79th Congress, 2nd Session P. 371-372.*

Mississippi is white. We got the right to keep it that way and I care not what Tom Clark and Hugo Black say. . . . I'm calling on every red-blooded American who believes in the superiority and integrity of the white race to get out and see that no nigger votes.¹⁰ [Use all the power, the legal power, lawful power and persuasion.¹¹]

Senator Bilbo delivered a speech over a state-wide radio hook-up the night of July 1, 1946, in which he said:

The eyes of the Nation will be upon Mississippi tomorrow. In other elections many white citizens of the State have failed for various reasons to go to the polls and exercise the greatest privilege of American citizens—the privilege of voting. But, on tomorrow, in Mississippi's white, senatorial primary election, it is vitally important that every white Democratic man and woman should make every sacrifice, and that nothing should hinder them from participating in this primary election.¹²

[fol. 868] Many Negroes who went to the polls on July 2, 1946, were not permitted to vote in the primary. For example, a bailiff from Harrison County stated that he turned all Negroes away from the polls under instructions from the election commissioners.¹³ Some Negroes were warned before the primary not to attempt to vote. For example, the Mayor of Greenwood in Leflore County called in two Negroes to pass along the warning that any Negroes who tried to vote would not be protected.¹⁴

¹⁰ Article by Harry Henderson and Sam Shaw, *Colliers*, July 6, 1946.

¹¹ Senator Bilbo, in his testimony before the Senate Special Committee, verified this quote but said that this additional clause had been omitted. See p. 350.

¹² *Hearings*, p. 382.

¹³ Testimony of Eaton Garriga in *Hearings Before Senate Special Committee*, p. 298.

¹⁴ Testimony of Shelby S. Steele, *Hearings*, pp. 250-263.

In 1947, the Mississippi Legislature enacted laws to require that persons in order to vote in a primary election be in accord with the principles of the party holding the primary.¹⁵ Any person may be challenged at the polls as to his qualifications and accord with the principles of the party.¹⁶

From 1948 on, the Democratic party of Mississippi excluded Negroes from primaries by framing statements of party principles that Negroes could not subscribe to.¹⁷ For example, in 1952 the Mississippi Legislature passed a resolution setting out and endorsing the principles and resolutions adopted by the Democratic State Executive Committee on March 18, 1952.¹⁸ The principles include opposition to FEPC legislation, opposition to anti-poll tax legislation, opposition to federal anti-lynching laws, advocacy of segregation of the races, and opposition to the repeal or modification [fol. 869] cation of the segregation laws of the State.

In the August 1955 primaries numerous Negroes, even though registered, were denied the right to vote in the Democratic primary. Mr. Tom J. Tubb, Chairman of the State Democratic Executive Committee, was quoted as follows:

We don't intend to have Negroes voting in this primary but we also intend to handle it in a sensible orderly manner. We don't want any incidents.

The Negroes are better off that way than trying to vote out here in the country and being taken out behind the barn and given a whipping like some of these country boys plan to do.¹⁹

¹⁵ Mississippi Session Laws, 1947, Ex. Ch. 17.

¹⁶ Section 3129, Mississippi Code Ann.

¹⁷ Resolutions of Mississippi Democratic Party, 1948, 1952, 1960.

¹⁸ Session Laws of Mississippi, 1952, Ch. 464.

¹⁹ *New York World Telegram*, New York, New York, Aug. 2, 1955.

Tubb conceded that where the state pays the cost of the primary, as in Mississippi, Negroes cannot be denied the right to vote under the usual qualifications.

But we usually run our own affairs down here. If they vote, they will get their ballots challenged and they will be thrown out of the party.

Negroes have pretty good sense and we shouldn't have any trouble with them. It should not take night riding or beatings for them to use their own good judgment.²⁰

In Mr. Tubb's home county, Clay County, where he was County Democratic Executive Committee Chairman as well as State Democratic Executive Committee Chairman, there were only 12 Negroes registered to vote in 1955. The election officials were told to challenge Negro voters and the lone Negro who showed up to vote in the primary election on [fol. 870] August 2, 1955, was told his vote would be challenged and did not vote. The same thing was happening in Humphreys County, where there were only 38 qualified Negro voters. Negroes were required to write answers to questions concerning their views on segregation, etc., and then were not permitted to vote in the August, 1955 primaries. In Claiborne County Negroes were not permitted to vote in the 1955 primaries and, in fact, Claiborne County maintained a white primary until the Congressional election on June 5, 1962. In Montgomery County there were only 10 Negroes registered to vote in 1955 but their names were listed only on the general election poll books and not the primary poll books pursuant to instructions of the County Democratic Executive Committee. Negroes were also not permitted to vote in primary elections in 1955 in Lowndes County and in Sunflower County.

The specific information on these white primaries is set out below.

²⁰ *State Times*, Jackson, Mississippi, Aug. 3, 1955, p. 1.

[fol. 871] Negroes Not Permitted to Vote Prior to 1955

Sunflower #12

County Seat: Indianola, Mississippi

67044 1953 or 1954
Waxer (Town
Marshall)

When he tried to vote in the primary election of 1953 or 1954 by placing his ballot in the ballot box, George Waxer, Town Marshall, challenged his and his wife's ballot, and put them in two envelopes. These were then put under the ballot box.

[fol. 872]

Winston #37

County Seat: Louisville, Mississippi

80000 7-2-46 Denied
White Men

He was twice not allowed to vote on 7-2-46 in a Democratic Primary Election for U. S. Senator. Four unidentified white men would not let him enter the polling place, although he was a registered voter, on either of his two attempts that day.

80002 7-2-46 Refused
White Man

Although he was registered to vote, he was twice refused permission to vote in the Democratic Primary of 7-2-46 to choose a U. S. Senator by unidentified white men.

[fol. 873]

Claiborne #39

County Seat: Port Gibson, Mississippi

11031 Late 40's Early
50's Denied Beardon
(Deceased)

In the late 1940's or early 1950's he went to the polls to vote but was told he didn't vote in the Democratic Primary; that it was in November when he could vote.

[fol. 874]

Harrison #79

County Seat: Gulfport, Mississippi

The following events, 24000-24014, occurred: Pass Christian

24000 7-2-46 Denied
Elec. Off'l

Although a qualified voter, he was turned away from polls on 7-2-46 by bailiff who told him that Negroes could not vote in primary.

24001 7-2-46 Denied
Elec. Off'l

Although a qualified voter, he was turned away from polls on 7-2-46 by bailiff who told him that Negroes could not vote in primary.

24002 7-2-46 Denied
Elec. Off'l

Although a qualified Negro voter, he was turned away from polls on 7-2-46 by bailiff who told him that Negroes could not vote in primary.

24003 7-2-46 Denied
Elec. Off'l

Although a qualified voter, he was turned away from polls on 7-2-46 by bailiff who told him that Negroes could not vote in primary.

- 24004 7-2-46 Denied
White Men He went with wife to vote in primary. Was stopped at City Hall by a crowd of men. Was knocked down and prevented from entering and voting. Was threatened with death if he tried to vote that day.
- 24005 7-2-46 Denied
Elec. Off'l Although a qualified voter, he was turned away from polls on 7-2-46 by bailiff who told him that Negroes could not vote in primary.
- 24007 7-2-46 Denied
Elec. Off'l Although a qualified voter, he was turned away from polls on 7-2-46 by bailiff who told him that Negroes could not vote in primary.
- 24008 7-2-46 Denied
Elec. Off'l Although a qualified voter, he was turned away from polls on 7-2-46 by bailiff who told him that Negroes could not vote in primary.
- 24009 7-2-46 Denied
Elec. Off'l Although a qualified voter, he was turned away from polls on 7-2-46 by bailiff who told him that Negroes could not vote in primary.
- [fol. 875]
- 24011 7-2-46 Denied
Elec. Off'l Although a qualified voter, he was turned away from polls on 7-2-46 by bailiff who told him that Negroes could not vote in primary.
- 24012 7-2-46 Denied
Elec. Off'l Although a qualified voter, he was turned away from polls on 7-2-46 by bailiff who told him that Negroes could not vote in primary.
- 24013 7-2-46 Denied
Elec. Off'l He had registered to vote and had voted in City Primary on 6-4-46. He tried to vote in Senatorial Primary of 7-2-46 and was told by Election Official, Garriga, that no Negroes were permitted to vote. Turned around and left.
- 24014 7-2-46 Denied
Elec. Off'l Although a qualified voter, he was turned away from polls on 7-2-46 by bailiff who told him that Negroes could not vote in primary.

[fol. 876] Negroes Not Permitted to Vote in Primary and General Elections in Mississippi Since March, 1955

Bolivar County #1

There is an all Negro precinct in Bolivar County in the all Negro town of Mound Bayou, Mississippi. When the ballot box was received from the county officials by the election officials at Mound Bayou it contained a written challenge signed by each of the candidates for office in the county. This occurred at the August 2, 1955 Primary and again at the Run-Off Primary on August 23, 1955. The challenge was identical each time except for the dates and signers thereof. It was addressed "To the Managers Designated to Hold the Primary Election To Be Held August 23,

1955, at the Mound Bayou Election Precinct, Bolivar County, Mississippi."

The candidates challenged each and every person who attempted to vote at the Mound Bayou Precinct on the grounds, among others, that the registrants at that precinct were not in accord with the statements of the principles of the Democratic Party declared by the State Convention of the Democratic Party of Mississippi, held March 18, 1952, a copy of which was attached to the challenge and which also appears in HCR No. 7, Chapter 464 of the Acts of the 1952 Legislature. Among other principles is the principle which follows:

[fol. 877] "We believe in the segregation of the races and are unalterably opposed to the repeal or modification of the segregation laws of this State, and we do not favor the practice of nonsegregation."

There were approximately 295 registered voters in the Mound Bayou Precinct in 1955.

The following Negroes were informed that Negro votes were challenged.

0000—Aug. 2, 1955 —Served as election official

0012—Aug. 2 and

Aug. 23, 1955—Served as election official

0002—Aug. 2, 1955 —Served as election official—Read the challenge to Negro voters of the precinct

0004—Aug. 23, 1955—Served as election manager

0006—Aug. 2, 1955 —Read the challenge to Negro voters of the precinct

0009—Aug. 2 and

Aug. 23, 1955—Served as election official

[fol. 878]

Tunica #8

The following Negro citizens of Tunica County were deterred from voting in Tunica County at the Tunica County Courthouse.

72009 4-18-55 Deterred
White woman

Voted in county election in 1955. Attempted to vote in 1960 presidential election but was advised not to by a white woman clerk in courthouse.

72004 Aug., 1955 Deterred
Judge Lowe

Was not permitted to vote at poll until he got poll tax exemption certificate. When he obtained one, a county judge, apparently an election official, made him take an oath before allowing him to vote, the oath consisting of whether he believed in segregation and was a member of NAACP. He was told his beliefs were counter to those of the Democratic Party and his vote could be challenged and not counted, but was permitted to vote. After the primary he was threatened economically by Alec Perry, a white planter. Perry said if any Negro on his farm voted he would mechanize the farm and lay Negroes off. Marvin Watson, a white merchant told him that the white people would run Tunica County and could do without his business. Paul Phillips, Editor of Tunica Times Democrat, told him the paper would no longer carry Grant's column.

72006 1956 Deterred
Election official

Voted at Tunica County Courthouse in 1956 in a state election. James Watson, Herbert Ammons, Ivory Grant and Joseph Grant also voted. She was asked whether she was a member of the NAACP by an election official. Her ballot was contested and placed in a box for challenged votes. Ammons was fired, Watson and his wife lost their jobs, Mrs. Grant transferred to smaller school soon thereafter.

[fol. 879]

Humphreys County #10

V. B. Montgomery, the Chairman of the Executive Committee of the Democratic Party of Humphreys County in 1955 said that Negroes who appeared to vote at the Belzoni Precinct on August 2, 1955 were asked questions along the following lines:

1. Are you a member of the Democratic Party?
2. Do you believe in and do you want to see continued our southern traditions and heritage?
3. Are you in accord with the principles of the Mississippi Democratic Party?
4. Are you in accord with the laws of Mississippi relating to separate schools for races?

There were 38 qualified Negro voters in Humphreys County in 1955, 33 of whom lived in the Belzoni Precinct. Negroes who attempted to vote in the August 2, 1955 primary were asked these questions and were not given ballots. No Negroes were permitted to vote on August 2 and none tried in the run-off on August 23, 1955.

The following Negroes who attempted to vote on August 2, 1955 at the courthouse in Belzoni indicate the way Negroes were denied the right to vote:

[fol. 880]

Humphreys County #10

27000 8/2/55

He went alone to vote and on arriving he saw a number of other Negroes waiting to vote. When he was permitted to enter the polling area he gave his poll tax receipts to an election official who then gave him a list of questions to answer. The questions asked were (1) are you a member of the Democratic Party?; (2) do you believe in segregation?; (3) do you believe in the democratic form of government?; (4) do you believe in miscegenation?, and other questions. He wrote answers to the questions and returned the sheet to the election official who read his answers and told him he was not qualified to vote. He then left and told the Negroes outside the polling area to go away as he did not feel there was any use in them trying to answer the questions.

27001 8/2/55

Went with 5 others to vote in primary. Was given a list of questions to answer. The questions concerned whether or not he believed in segregation in schools and swimming pools and explain miscegenation and do you believe in it, and other questions. He did not try to answer them. When he left he told the other Negroes waiting outside they might as well leave. They all then left. Other Negroes there were Mason Payne, Professor Griffin Byrd, Professor L. L. Knowles and Willie Henry Browder.

27003 8/2/55

Went with other Negroes to vote. After presenting his poll tax receipts his right to vote was immediately challenged by Gladstone Mortimer, a white man. Mortimer handed him a sheet of questions among which were: (1) are you a member of the Democratic Party? (2) Do you believe in segregation of schools, parks, and public places? (3) what is meant by miscegenation? He wrote out the answers to the questions and gave them to an election official who told him he had not qualified and did not give him a ballot. Knowles then left and told the other Negroes who were waiting that he did not think there would be any use in their attempting to vote.

[fol. 881]

Sunflower County #12

Barry Wood, Jr., one of the managers of the Democratic Primaries held on August 2, and August 23, 1955 told the F.B.I. that a printed card regarding the challenging of Negro voters was received along with the other election material from the Circuit Court Clerk in Indianola. He said that during the first primary, five Negroes voted and all were challenged. They were Dr. C. C. Battle, John H. Lee, McKinley Holmes, Frank May, and Mary Lyles. During the second primary only two Negroes appeared to vote and John H. Lee voted without challenge while Dr. Battle was again challenged. He remembers that Dewitt Lovelace, Bill Barrett and Hugh French challenged one or more voters by merely saying "I challenge that vote." The challenged votes were put in envelopes and not considered by the election managers in tallying the vote. As far as he knows no white persons were challenged because of non-membership in the Democratic Party at either primary in his box.

The following Negro citizens of Sunflower County have had their votes challenged when they attempted to vote:

67005

67091

67044

67102

67087

67103

67144

[fol. 882]

Montgomery County #19

Mrs. William Edward Crenshaw, the Deputy Circuit Clerk of Montgomery County, told the F.B.I. on September 19, 1955, that she prepared the poll book called the general election poll book, which included the names of qualified Negro voters, and she was then directed by the Democratic Executive Committee to prepare a primary poll book, from which the Negroes were excluded as not being members of the Democratic Party in Mississippi.

[fol. 883]

Webster #23

The following Negro citizen was not permitted to vote in Webster County.

78000 1955
White Man

Tried to vote in 1955 at the town hall in Mathiston, Miss. Was told he couldn't be an unknown white man. Has paid poll tax every year since he registered.

78000 1959
Norris Brooks

Tried to vote in 1959 gubernatorial primary. Marshall Norris told him to see Vernon Brooks who was running the election. Brooks advised him not to vote. He left and hasn't attempted to vote since.

[fol. 884]

Yalabobusha #24

The following Negro was deterred from voting in Yalabobusha County.

- 81007 (1) In two elections in the late 1950's, the judge at the polling place took his ballot away after he had marked it but before he could put it in the ballot box.
In 1959 on the Saturday before the primary election he found a sign on his business door which read "You is getin to smart trin to vote. Mr. Harris. Have you're name took off them Bookes—Real soon like—an straiten yore friens".
- (2) On the Monday before the 1959 primary he found another sign on his door which read: "Nigger get yore votin done before Tuesday." In Jan. 1960 he applied to Mr. Evans for an exemption certificate. It was given to him but only after Mr. Evans had told him, "Well I tell you Jimmy, we don't mind you votin. If I let you vote, others would want to and that wouldn't work." He has never voted since.

[fol. 885]

Clay Co. #29

Thomas Tubb, the Chairman of the Mississippi State Democratic Committee and of the Clay County Democratic Committee personally requested the various election officials in Clay County to challenge all Negro voters on his behalf at the August 2 and August 23, 1955 primaries. He did this because he believed that Negroes were not members of the Mississippi Democratic Party. His legal basis for the challenges was Sections 3129 and 3170 of the Mississippi Code of 1942. He said there were only 12 Negroes registered to vote in Clay County in August of 1955 and he knew of only one Negro challenged during the two primaries in 1955; and this Negro did not vote after being told his vote would be challenged.

[fol. 886]

Lowndes Co. #32

In Lowndes County Negroes voted without incident in the August 2, 1955 primary but all the Negroes who attempted to vote in the August 23, 1955 primary were challenged. The circumstances and locations of the places where these challenges occurred and the reasons for these challenges are listed below.

44000 Aug. 23, 1955
Poll official at
College Precinct
Columbus

His ballot was challenged by a white man named Harris on the grounds that he was not a member of the Democratic Party. It was placed in an envelope by poll officials with a slip of paper Harris gave him stating the grounds for challenge on nonmembership in the Democratic Party. His wife accompanied him and was similarly treated.

44001 8/25/55 Columbus

Went to Bell Lumber Company Precinct to vote with her husband James L. Allen; White man named Harris challenged their votes on grounds they were not members of Democratic Party; ballot was placed in envelope with a challenge slip.

44002 8-23-55 A poll
official at Bell
Lmbr Precinct
Columbus

His ballot was placed in an envelope, rather than the ballot box, by a lady official. There was a yellow slip of paper in the envelope.

44006 August 23, 1955
Poll official at
Community Center
Columbus

Went with his wife. As he was to put his ballot in the box, a young white man stepped up to him and said he challenged his vote. His ballot was put in an envelope and he thinks his name was written on the envelope.

44007 August 23, 1955
Poll official at
Bell Lmbr. Co.
Columbus

A lady official took his ballot as he was putting it in the box, told him it had been challenged and placed it in an envelope.

[fol. 887]

44009 8-23-55 Poll official
at College Precinct
Columbus

His vote was challenged by a white man because he was not a member of the Democratic Party. His ballot was placed in an envelope rather than the ballot box. The paper with the challenge was placed in it. He went to vote with his wife Lucille Brewer.

44010 Aug. 23 1955
Poll Official at
College Precinct
Columbus

She went to vote with her husband, Jack Brewer. Her ballot was challenged by Dr. John Oliver because she was not a member of the Democratic Party. It and a paper with the challenge were taken by a poll official and placed in an envelope rather than the ballot box. Mrs. Bush, a poll official, Mr. Watson, the bailiff and Ida Harris, another Negro, were identified as being present.

44017 Aug. 23 1955
Poll official at
Bell Lmbr. Co.
Columbus

She gave her ballot to a lady sitting by the ballot box. A white man gave the lady a yellow slip which the lady put with the ballot in an envelope.

44073 Aug. 23, 1955
Official at Com-
munity Center Poll
Columbus

She was given a ballot; after she marked it but before she put it in the ballot box an unknown white male gave her a yellow slip of paper which she took to be a challenge. Her ballot was placed in an envelope with the yellow piece of paper.

44019 Aug. 23, 1955
Poll official at
Bell Lmbr. Co.
Columbus

The white lady official took his ballot and placed it with a yellow piece of paper in an envelope. Wrote something on the envelope and put it with others. He appealed this action with Professor Robert E. Hunt and Mrs. Hunt to a committee.

44020 Aug. 23, 1955
Poll official at
Bell Lmbr. Co.
Precinct. Columbus

His ballot was placed in an envelope by the poll official rather than in the ballot box.

[fol. 888]

44021 Aug. 23, 1955
Poll Official at
Bell Lmbr. Co.
Columbus

Her ballot was not placed in the box but was taken by an election official and placed in an envelope which was placed on the table.

44022 Aug. 23, 1955
Poll official at
Bell Lmbr. Co.
Columbus

Went to vote with Lemon Dickerson, Rev. Saulsberry, Sadve, Guyton, Ellen Magby, Nannie Ree Gordon. Her ballot was put in a white envelope by the lady official.

44023 Aug. 23, 1955
Official at College
Precinct Columbus

Her ballot was challenged by an unidentified white male because she was not a member of the Democratic Party. It was taken by the poll official and placed in an envelope. With her ballot was a slip of paper given to her by the man.

44024 Aug. 23, 1955
Poll official at
Bell Lmbr. Co.
Columbus

Her ballot was taken by the poll official and placed in an envelope. She observed this was not done to ballots cast by whites.

44025 Aug. 23, 1955
Poll officials at
Bell Lmbr. Co.
Precinct Columbus

His ballot was placed in an envelope which contained a piece of colored paper by the poll official. He observed that ballots cast by white people went into the ballot box.

44026 Aug. 23, 1956
Poll officials at
Bell Lumber Pre-
cinct Columbus

His form was placed in an envelope with a yellow piece of paper in it by the poll official. He observed this was not done to ballots cast by whites. He was told by a lady official that his ballot would be counted.

[fol. 889]

44027 8-23-55 Poll
official at Bell
Lmbr. Co. Precinct
Columbus

His ballot was placed in an envelope rather than in the ballot box. The envelope was placed on the table with other white envelopes. He observed this was not true of whites.

44028 Aug. 23, 1955
Lady official at
Bell Lmbr. Co.

Her marked ballot was taken by the lady official and placed in a white envelope rather than in the ballot box.

44029 Aug. 23, 1955
Poll official at
Bell Lmbr. Co.
Columbus

She gave her marked ballot to the lady who gave it to a white man who wrapped it in a yellow piece of paper and put it in an envelope. The envelope was placed on a table.

44030 8-23-55
Poll official at
Bell Lmbr. Co.
Precinct Columbus

He went to vote with his wife Susie. He was given a ballot, marked it in a booth and started to give it to the person at the ballot box. An unidentified white male challenged this ballot.

His ballot was taken by an official and placed in an envelope with a slip of yellow paper. The envelope was sealed, his name was written on it and it was placed on a table rather than in the box. The same thing happened to his wife.

44031 Aug. 23, 1955
Columbus

Accompanied by Nannie Ree Gordon, Helen Dickman, Ellen Magby, John Dickerson, L. C. Erby and the Reverend Mr. Saulsberry, she went to vote. Her marked ballot was placed by the lady official in a white envelope which already had a yellow slip of paper in it. This was done to all those persons with her except Rev. Saulsberry who when he observed what was happening put his ballot in his pocket.

[fol. 890]

44032 Aug. 23, 1955
Poll official College
Precinct Columbus

Her ballot was challenged by a white lady working at the polls because she was not a member of the Democratic Party. The poll official took the ballot and a yellow slip of paper with the challenge written on it and put them in an envelope rather than in the box.

44033 Aug. 23, 1955
Official at Bell
Lmbr. Co.
Columbus

Accompanied by Augusta Whendon. She marked her ballot and it was placed in a white envelope by a white lady. The envelope was placed on the table with a group of other envelopes.

44034 Aug. 23, 1955
Democratic Executive
Committee
Columbus.

He appeared before the committee. He was informed his ballot was challenged on these grounds: (1) He was not a member of the Democratic Party; (2) he did not believe in states rights; (3) something about loyalty or patriotism. He answered the challenge but was informed later by Circuit Clerk Cockran that his ballot was not counted.

Precinct Columbus

44034 Aug. 23, 1955
Poll official at
Bell Lmbr. Co.
Columbus

The ballots of his wife and himself were placed in separate envelopes by the lady sitting at the table and their envelope was placed with similar envelopes.

44040 Aug. 23, 1955
Poll official at
College Precinct
Columbus

The poll official placed her ballot in an envelope after it was challenged by a white man, unknown to her, on the grounds that she was a member of the Democratic Party. She determined the basis of the challenge by reading a yellow slip of paper he handed her. The slip was placed in the envelope with her ballot.

- 44031 Aug. 23, 1955
Official at Bell
Lmbr. Co. Poll
Columbus
Accompanied by Sadye M. Guyton, Nannie Bee Gordon and others, she attempted to vote. Her ballot was placed in a white envelope after she handed it to the poll official. This happened to those accompanying her.
- 44042 Aug. 23, 1955
Poll official at
Bell Lmbr. Co.
Columbus
He saw his ballot put in a white envelope.
- [fol. 891]
- 44043 Aug. 23, 1955
Poll official at
College Precinct
Columbus
Her ballot was challenged by the poll official giving her a slip of paper with her ballot on the grounds that she was not a member of the Democratic Party. It was taken and put in an envelope by the poll official.
- 44044 Aug. 23, 1955
Poll official at
College Columbus
Her ballot was challenged by an unknown white male on the grounds that she was not a member of the Democratic Party. It was then placed in an envelope by the poll official. Also present was Maggie M. Moore, Ida Dixon and Veneta Logan, all Negroes.
- 44052 Aug. 23, 1955
Poll official at
Bell Lmbr. Co.
Columbus
When he saw other Negroes ballots being challenged he put his ballot in his pocket and left.
- 44054 Aug. 23, 1955
Poll official at
Bell Lmbr. Co. Poll
Columbus
After she and her husband voted, their ballots were placed in separate white envelopes which appeared to have another slip of paper in them. The lady official wrote each of their names on the appropriate envelope.
- 44055 Aug. 23, 1955
Poll official at
Bell Lmbr. Co.
Columbus
He and his wife's ballots were taken by a lady official, placed in an envelope and put on the table. Each of their names were written on the appropriate envelope.
- 44058 Aug. 23, 1955
Poll official at
Bell Lmbr. Co.
Precinct Columbus
His ballot was placed in an envelope, rather than in the ballot box, by the poll official. He observed this was not the case with white voters.
- 44059 Aug. 23, 1955
Poll official at
Bell Lmbr. Co.
Precinct Columbus
Her ballot was placed in an envelope by the poll official. This was not done to ballots cast by white persons.

[fol. 892]

- 44060 Aug. 23, 1955
Poll official at
Bell Lmbr. Co.
Columbus
She went with friends to vote. Her ballot was taken by the lady, placed in a white envelope and put on the table with others.
- 44061 Aug. 23, 1955
Official at Bell
Lmbr. Co. Poll
Columbus
Went with her husband. His ballot was taken by an official and put in a white envelope then put on a table.

44062 Aug. 23, 1955
Official at Bell
Lmbr. Co. Poll
Columbus

Accompanied by his wife. His ballot was placed with a yellow or pink slip of paper which a white man gave the lady sitting at the box into a white envelope. The envelope was put on the table.

44065 Aug. 23, 1955
Official at Bell
Lmbr. Co. Poll
Columbus

Accompanied by Melissa Harrison. Her ballot was taken by a white lady by the ballot box and placed in an envelope. The envelope was placed in a pile with other similar envelopes.

44067 Aug. 23, 1955
Poll official at
Bell Lmbr. Co.
Columbus

His ballot was taken by a white lady, placed in an envelope in which seemed to be a yellow slip of paper.

[fol. 893]

Claiborne County #39

The following Negro registered voters in Claiborne County were not permitted to vote in primary elections in Claiborne County on the grounds that Negroes were not in harmony with the principles of the Democratic Party of the State of Mississippi. Negro registered voters also experienced difficulties and denials when they attempted to vote in general elections in Claiborne County. These denials continued until the Congressional election primary on June 5, 1962. These denials occurred at the places noted in Claiborne County.

11036 Aug. 1955
McFatter, Russell,
Jordan, Port
Gibson

They went to the Town Clerk's office to vote. Mr. McFatter said they were not Mississippi Democrats, that they would have to subscribe to the state's belief in state's rights and separation of the races, and that if they did so swear, they might be subject to prosecution for perjury. They left without voting.

11035 Aug. 1955
McFatter, Russell,
Jordan, Port
Gibson

When they went to the polls to vote, one official said they were not Mississippi Democrats and that they would have to sign a statement affirming their support of states' rights, separation of the races and the Mississippi Constitution. They would not do this and were not permitted to vote.

11024 Aug. 1955
Mann and 2 other
white men Pattison

When he presented himself to vote, Shelby Mann asked him several questions including whether or not he believed in fair employment practices. When he said that he did, Mann said that disqualified him since the state Democratic Party did not.

[fol. 894]

11019 About Aug. 1955
Fox Hermanville

He went to the polls and asked for a ballot. Russell Fox challenged his vote, saying he knew Mr. Jones wasn't in harmony with the Democratic Party because of his being President of the NAACP.

- 11034 About Aug. 1955
White Man
Port Gibson
- An election official said Rev. Spencer was not a member of the Mississippi Democratic Party, and could not join without signing an affidavit saying he was not a member of the NAACP. The official also said he would bring perjury charges against him if he did sign the affidavit. He did not sign and he did not vote.
- 11014 About Aug. 1955
White Man
Port Gibson
- She went to City Hall to vote. A white man there asked if she was a member of the NAACP. She said she was, and he said there was no way in the world for her to qualify to vote.
- 11004 1955 or 1956
Hasting Allen and
A White Man
Port Gibson
- When he and his wife, both registered voters, presented themselves at the polls, he was asked if he knew the Constitution and then to sign an affidavit about membership in integrated organizations. He was told that if he did sign and was a member of such an organization, he would be prosecuted for perjury. Then he was told that they'd keep the vote in a sealed envelope until they checked his memberships and that they'd get the law after him if he belonged to any. He and his wife left without voting.
- 11029 About Nov. 1956
Rush Hermanville
- He was told he could not vote because his name was not on the list they had at the polls.
- [fol. 895]
- 11015 About Nov. 1956
White Man
Port Gibson
- He went to City Hall alone to vote. One of the officials at the polls said he would have to wait until an officer came. He did not say what officer. He waited for an hour and no-one had told him he could vote—so he left.
- 11026 About 1956
Fox, Mann, Rogers,
Pattison
- He and another Negro, Floyd Rollins, attempted to vote in the Democratic Primary. They were told they could not vote because they were not members of the Democratic Party.
- 11025 Mid 1950's
Mann, Pattison
- Went to polls with several other Negroes. Shelby Mann said Negroes couldn't vote, that there were too many of them and if they all voted, they would take over.
- 11025 Mid 1950's
Mann, Fox, Jones,
Pattison
- Went to polls with several other Negroes. They were told they couldn't vote without filling out a form about organizations they belonged to and promising to support the Democratic Party.
- 11025 Mid 1950's
Mann, Pattison
- Went with four other Negroes to vote in the primary. Shelby Mann said they couldn't vote in the primary, that they would have a meeting and let them vote as they saw fit.
- 11032 Mid 1950's
Mann, Fox
- He went to the polls and told Mann he wanted to vote. Mann asked him a number of questions and then told him he was not a qualified voter.
- 11031 Mid or late 1950's
Fox, Mann, Pattison
- Rep. Fox questioned him about his beliefs on fair employment practices and segregation and then refused to let him vote.

11019 Between 1956 and
1960 Unknown
Hermanville

Went to polls with wife but were told they could not vote.

[fol. 896]

11019 Between 1956 and
1960 White Person
Hermanville

He and his wife went to the polls to vote, but they were not permitted to. A white person at the polls told him his name was not in the precinct book.

11017 Mid 1950's
White Man
Port Gibson

He and another Negro man went to the polls to vote, but a white man named Russell (Fox) who was there said they could not vote.

11023 Aug. 1959 Hastings,
Fox, Gage, III,
Vaughan
Port Gibson

Mr. Hastings challenged his vote when he went to the polls. Dr. Morris was brought before a committee which questioned him about his views on civil rights and state's rights, et al. Rep. Fox informed him that he was under oath and subject to the laws of perjury. Mr. Hastings then told him that he could vote only by placing his ballot in an envelope along with other challenged ballots. Dr. Morris left.

11029 Aug. 1959 Galloway,
Justice of the Peace,
Slaughter, Hayes
Hermanville

Galloway challenged his vote, saying he was a Republican despite Patton's stating he was a Democrat.

11024 1959 Mann,
Pattison

He went to the polls to vote, but Shelby Mann said his name was not on the voting list and refused to permit him to vote.

11031 About Aug. 1960
Mann, Pattison

Mann told him he could only vote on a Constitutional Amendment, nothing else. Mann said there were questions he would have to ask him to see if he was really a Democrat but that he would have to go to Port Gibson to get them and then ask him in the afternoon.

[fol. 897]

11019 Nov. 1960
Justice of the Peace,
Slaughter
Hermanville

Went to polls with wife and both voted, but Justice of Peace wrote his name on both their ballots.

11024 Nov. 1960 Mann
Pattison

He presented himself at the polls, but Shelby Mann said his name was not on the voting list and declined to permit him to vote.

11029 Nov. 1960
Hermanville

The ballot he was given and cast at this election had the Justice of the Peace's initials on it.

[fol. 898]

Simpson County #57

The following Negro citizens of Simpson County were not permitted to vote in elections in Simpson County.

- | | | |
|-------|------------------------------|--|
| 64006 | 8/2/55
Mendenhall | Went to vote and was prevented from doing so because name not in poll book. Was exempt because of age from payment of poll tax. |
| 64007 | 8/2/55
Mendenhall | Went to vote in primary. Was prevented from doing so because name not in poll books. Was told this was so because poll tax receipts were from two different precincts. |
| 64010 | 8/2/55
Mendenhall | Went to vote in primary. Was prohibited because name not in poll book. Was told name was omitted because poll tax receipts were from two different precincts. |
| 64011 | 8/2/55 | Went to vote in primary. Was denied right to vote because name not in poll book. Had poll tax receipts. Explanation offered was that receipts listed two different addresses. |
| 64029 | 8/23/55
Mendenhall | Was challenged when attempted to vote in primary. Was allowed to vote but believe his ballot was kept separated from other ballots. |
| 64012 | 1955 or 1956
Martinsville | Went to vote in an election. At polling place, a white person advised him that if he voted someone would make trouble. Didn't vote. Has never voted. |
| 64014 | 1955 or 1956
Martinsville | Went to vote and was told by white person at polling place, 'They are waiting for you in there. There is going to be trouble.' Did not vote. Has voted in all other elections. |
| 64001 | 1956
Martinsville | Went with 3 others to vote. Was told that he had better not try to enter polling place. He did not try to vote. |

[fol. 899]

- | | | |
|-------|------------------------------------|---|
| 64002 | 1956 Saratoga,
Eubank, Sullivan | Went with wife to vote. Was told outside poll place, by white man, Mr. Buck Eubank, that he had better not go inside. Also advised not to vote by Mr. Mel Sullivan. Did not attempt to enter polling place. |
| 64003 | 1956 Saratoga,
Eubank | Went with husband to vote. Was prevented from doing so by white man, Buck Eubank, who told her and her husband not to enter polling place. |
| 64004 | 1959
Martinsville | Went to vote with husband in Gubernatorial election. An unknown white man told her not to vote. She left. |
| 64024 | Nov. 1956
Saratoga, Jones | Was told by Mr. Joseph Jones who was in charge of polls that he could not vote because he was listed as "white" on the list of qualified voters. |

- 64026 Nov. 1967
Saratoga, Eubank Went to vote and was told that Negro votes were not being taken. Told this by Mr. Buck Eubank.
- 64026 Nov. 1960
Saratoga, Sullivan Went to vote and was told Negro votes were not being taken. Told this by Mr. Mel Sullivan.

[fol. 900] Noxubee County #65

The following Negro citizen of Noxubee County was not permitted to vote in Noxubee County.

- 52004 11/6/56
Mrs. Morris Not permitted to deposit ballot for general election in ballot box.

[fol. 901] Statements in United States Senate
Committee Hearing.

In 1946 a special investigation of the campaign of Theodore G. Bilbo, United States Senator for Mississippi, was conducted by the Senate Special Committee on Campaign Expenditures, 1946 United States Senate, Seventy-Ninth Congress. The following quotations are statements made by witnesses to the Special Committee.

Mr. Clifford R. Field, Circuit Court Clerk of Adams County, testified:¹

The Chairman: What other restrictions did you place on the colored applying to register, in contrast to the whites, other than the requirement as to the production of the poll-tax receipt?

Mr. Field: The only other thing I did was to ask them to read the section of the constitution of the State of Mississippi where it explains the election of the Governor of the State of Mississippi. I did not require that of the whites, but I did require it of the colored.

The Chairman: Why did you make the exception?

Mr. Fields: I didn't require it, that is, I have no other reason than that they were colored.

¹ WS-1 *Hearings before the Special Committee to Investigate Senatorial Campaign Expenditures, 1946*. United States Senate, Seventy-Ninth Congress, Second Session. (Washington, D. C.: Government Printing Office, 1947), p. 205.

Mr. C. E. Cocke, of Washington County, who was in 1946 and still is the Circuit Court Clerk of Washington County, testified:²

[fol. 902] Mr. Wyman (Counsel for the Committee): Did you ask any of these individuals (Negroes) whether they could read, prior to the time you questioned them?

Mr. Cocke: I did.

Mr. Wyman: And did they satisfy the requirements of being able to read?

Mr. Cocke: They said that they could.

Mr. Wyman: But after that you questioned them?

Mr. Cocke: I did.

Mr. Wyman: Do you remember, Mr. Cocke, ever having made a statement that no matter how they answered these questions, that they were disqualified?

Mr. Cocke: I think I told them in short words that they would have a hard time convincing me, I believe I made that statement.

The Negroes were not allowed to register to vote in Mississippi is illustrated by the testimony of Negroes in the hearings. Nathaniel H. Lewis of Pike County, Mississippi, testified that on June 14, 1962, he, with four other Negroes, tried to register to vote:³

... and then he asked me who was the President of the United States and who was the Vice President of the United States, who was the Secretary of State, and who was the Secretary of Labor, and how was the President of the United States elected, and how was the Secretary of State elected, and how was the Governor of Mississippi elected, and he wanted to know what was on the

² WS-2 *Hearings Before the Special Committee to Investigate Senatorial Campaign Expenditures, 1946.* p. 178.

³ WS-3. *Hearings Before the Special Committee to Investigate Senatorial Campaign Expenditures, 1946.*

ballot, and after a little he says, 'Lewis, you go brush up on your civics and come back'

Senator Bridges (Styles Bridges of New Hampshire); The questions that he asked you, how many of them did you answer correctly, do you think?

[fol. 903] Mr. Lewis: All of them but one, to be sure.

Senator Bridges: Which one was that?

Mr. Lewis: He asked me what was on the ballot.

Four other Negroes, two from Walthall County and two from Pike County, also testified that they were asked similar questions by the circuit clerks when they tried to register.⁴

The refusal to permit Negroes to register to vote was often much less sophisticated. Five Negroes—one from Walthall, Hinds, Franklin and Winston Counties—testified that when they went to try to register in their respective counties they were simply not permitted to do so.⁵

⁴ WS-4-WS-7. Testimony of Samuel B. O'Neal, Pike County, Mississippi, *Hearings Before the Special Committee to Investigate Senatorial Campaign Expenditures, 1946*, pp. 140-141; testimony of Napoleon B. Lewis, Pike County, Mississippi, *Hearings Before the Special Committee to Investigate Senatorial Campaign Expenditures, 1946*, pp. 120-121; testimony of Venton Simmons, Walthall County, Mississippi, *Hearings Before the Special Committee to Investigate Senatorial Campaign Expenditures, 1946*, pp. 279-280; testimony of Timothy Dillon, Walthall County, Mississippi, *Hearings Before the Special Committee to Investigate Senatorial Campaign Expenditures, 1946*, pp. 281-282.

⁵ WS-8-WS-12. Testimony of A. G. Price, Walthall County, Mississippi, *Hearings Before the Special Committee to Investigate Senatorial Campaign Expenditures, 1946*, pp. 225-226; testimony of J.B. Raiford, Walthall County, Mississippi, *Hearings Before the Special Committee to Investigate Senatorial Campaign Expenditures, 1946*, pp. 283-284; testimony of Willis D. Hamm, Marshall County, Mississippi, *Hearings Before the Special Committee to Investigate Sena-*

[fol. 904] One of them, Ezell Singleton, Branton, Mississippi, testified:⁶

I don't know exactly the date, but it was in June that I went up to the circuit clerk's office at Brandon, and I told her I wanted to register, and she told me to go upstairs and turn short to the left, and there was a man up there to take care of all veterans. So I went up there, and I asked the gentleman in the office there, I told him I wanted to register, and he told me to sit down, and he talked with me awhile and then he asked me who sent me up there, and I told him I came on my own hook, and he got up from behind his desk, and started toward me, and I stood up, and he stopped, and he told me if I didn't want to get into serious trouble for me to get out of his office. So I did.

torial Campaign Expenditures, 1946, pp. 317-320; testimony of Ezell Singleton, Franklin County, Mississippi, *Hearings Before the Special Committee to Investigate Senatorial Campaign Expenditures, 1946*, pp. 124-125; testimony of Cleavis Gladney, Winston County, Mississippi, *Hearings Before the Special Committee to Investigate Senatorial Campaign Expenditures, 1946*, pp. 213-215.

⁶ WS-13. *Hearings Before the Special Committee to Investigate Senatorial Campaign Expenditures, 1946*, p. 124.

[fol. 905] V. Statements By Mississippi
Government Officials

The following statement reported in the *Daily Clarion-Ledger*, July 11, was made in 1907 by John Sharp Williams, candidate for Senator of the United States from Mississippi. He subsequently won the election:¹

Instead of disfranchising the negro as we now do to such an extent that Governor Vardaman and I in running for office today and other men in running for office are paying no more attention to the negroes in Mississippi than they are to the mules tied up by those negroes. Instead of disfranchising the negroes by words of circumvention as we do I would like to be able to read in plain words upon the constitution of the state of Mississippi the electoral franchise in this state shall be exercised by all persons 21 years of age of pure white blood.

His opposing candidate, Governor James Vardaman, made the following statement in the same year; according to the April 27 issue of *The Saturday Evening Post*:²

The Negro should never have been trusted with the ballot. He is different from the white man. He is congenitally unqualified to exercise the most responsible duty of citizenship. He is physically, mentally, morally, racially and eternally the white man's inferior. There is nothing in the history of his race, nothing in his achievements of the past nor his promise for the future which entitles him to stand side by side with the white man at the ballot-box.

This inestimable privilege was thrust upon the negro snatching him out of his twenty thousand barbaric years and placing him shoulder to shoulder with the heir of

¹ WS-14. *The Daily Clarion-Ledger*. Jackson, Mississippi. July 11, 1907, p. 6.

² WS-15. Quoted by Harris Dickson in "The Vardaman Idea," *The Saturday Evening Post*, Vol. 179, No. 43, April 27, 1907.

all the ages. This was a stupendous blunder, worse than any crime, and the sober second thought of the nation should correct it.

[fol. 906] We must repeal the Fifteenth and modify the Fourteenth Amendment to the Constitution of the United States. Then we shall be able in our legislation to recognize the negro's racial peculiarities, and make laws to fit them. This would leave the matter precisely as was intended by the fathers of the Republic.

During the peak of this same campaign for election to the United States Senate, John Sharp Williams spoke about his own views and those of his opponent, James Vardaman:³

Now, ladies and gentlemen, it seems to me curious that any man in the state of Mississippi could ever have imagined even that there could be any issue between the gentleman from LeFlore County and myself upon the question of the desirability of white political supremacy and undesirability of black political domination. (applause) I dare say there is not in this audience a man fool enough to believe that there can be any issue between him and a Yazoo County white line red shirt Democrat upon that question.

The gentleman tells you that there, the white man must rule and must rule by law. My reply is that the white man is ruling and is ruling by law. The federal judges and not Governor Vardaman or myself, the Supreme Court of the United States have issued this opinion to the world.

He tells you that the negro ought to have nothing to do with politics, and that the negro has no right which the white man must be bound to respect as far as politics go. Does he imagine that this is a novel and new sentiment to a man of my political service, to a man of my environment, or to any of you?

³ WS-16. The *Daily Clarion-Ledger*, July 4, 1907.

[fol. 907] In 1914, Vardaman, who was then United States Senator, aid on the floor of the Senate, according to the *Congressional Record of the Senate of the United States*:⁴

As Governor of my State I am sure I exerted myself as much to protect the negro in the enjoyment of his life, his liberty, the pursuit of happiness, and the products of his own toil as any executive in America has ever done. He does not vote much in Mississippi, but I really think he votes more than he ought to vote, if he votes at all. I do not think it was ever intended by the creator that the two races should live together upon equal terms—enjoy equal political and social advantages. One or the other must rule.

In his campaign for re-election in 1946, Senator Theodore Bilbo, the senior senator from Mississippi, urged the circuit clerks to disqualify Negro applicants by the use of the interpretation test.⁵

The poll tax has nothing to do with the negro not voting in the State; the real thorn in their imaginary crown—placed there by the Negro-lovers of the north—is section 244 of the State's Constitution, which provides that before anyone can register he must be able to read, or explain after it is read to him or her, the provisions of this Constitution. The circuit clerks are under oath to protect the provisions of that Constitution, and if there is a single man or woman serving in this important office who cannot think up questions enough to disqualify 'undesirables' then write Bilbo or any good lawyer and there are a hundred good questions which can be furnished.

⁴ WS-17. *Congressional Record of the Senate of the United States*, Sixty-third Congress, Second Session, Vol. 51.

⁵ WS-18. *The Jackson Daily News*. Jackson, Mississippi, May 28, 1946. Verified by Senator Bilbo in testimony during *Hearings Before the Special Committee to Investigate Senatorial Campaign Expenditures*, 1946, Seventy-Ninth Congress, Second Session, p. 348.

During the same campaign, Senator Bilbo said:⁶

The poll tax won't keep 'em from voting. What keeps 'em from voting is section 244 of the constitution of 1890, that Senator George wrote. It says that a man to register must be able to read and explain the Constitution when read to him. . . . And then Senator George wrote a constitution that damn few white men and no niggers at all can explain . . .

[fol. 908] Mississippi Newspaper Comment

The decline in Negro registration in the State was recognized as early as 1903. The *Clarion-Ledger* of July 16, 1903 report that:⁷

The probable total registration of the state today including those who have registered for the August primary is in the neighborhood of 100,000 of which none exceeding 20,000 are colored. Despite the oft-expressed fear that the Negro is trying to get back into politics no information of this kind is shown on the registration book, a very small number qualifying for citizenship who are really entitled to do so. County registrars have kept the Negroes off the books by strict enforcement of the understanding clause in the Constitution.

⁶ WS-19. Quoted by Harry Henderson and Sam Shaw in *Colliers*. July 6, 1946. Verified by Senator Bilbo in testimony during *Hearings Before the Special Committee to Investigate Senatorial Campaign Expenditures*, 1946, p. 205.

⁷ WS-20. The *Clarion-Ledger*. July 16, 1903, p. 8.

[fol. 909] ANSWER TO INTERROGATORY NUMBER 10(a) AS TO THE FACTUAL BASIS FOR THE ASSERTION CONTAINED IN PARAGRAPH 27 OF THE COMPLAINT THAT THE PROPOSED AMENDMENT TO SECTION 244 OF THE MISSISSIPPI CONSTITUTION OF 1890 WAS DESIGNED TO PERPETUATE IN MISSISSIPPI "WHITE POLITICAL SUPREMACY," A RACIALLY SEGREGATED SOCIETY, AND THE DISFRANCHISEMENT OF NEGROES.

The factual basis for the assertion contained in Paragraph 27 of the complaint that the proposed amendment to Section 244 of the Mississippi Constitution of 1890 was designed to perpetuate in Mississippi "white political supremacy," a racially segregated society, and the disfranchisement of Negroes is as follows:

1. In June 1951, the United States Court of Appeals for the Fifth Circuit made it clear that the interpretation portion of section 244 could not be used as a registration requirement where the applicant could read.¹

2. In 1952 the Mississippi Legislature passed a joint resolution proposing an amendment to Section 244 of the Mississippi Constitution of 1890 which provided that as a prerequisite for registration to vote the applicant must be able both to read and to give a reasonable interpretation of any section of the Mississippi Constitution.² The proposed amendment was submitted to the voters in a general election and was not adopted.³

[fol. 910] 3. In its next regular session on April 24, 1954, the Legislature, again adopted a similar resolution to amend Section 244.⁴ The proposed amendment required that an applicant for registration be able to read and write any section of the Mississippi Constitution and give a reasonable interpretation thereof to the county registrar and, in addition, that the applicant be able to demonstrate to the county registrar a reasonable understanding of the duties and

¹ *Peay v. Cox*, 190 F 2d 123, (Fifth Cir., 1951).

² P. 54-1, Mississippi Laws, 1952, Ch. 454.

³ A-54, Defendant's admission in Answer to Complaint on behalf of the State of Mississippi p. 5, par. 24.

⁴ P. 54-2. Mississippi Laws, 1954, Ch. 427.

obligations of citizenship under a constitutional form of government.⁵ The proposed amendment also required for the first time in Mississippi that persons applying for registration must make a sworn written application for registration on a form to be prescribed by the State Board of Election Commissioners.⁶ Persons who were registered to vote prior to January 1, 1954, were expressly exempted from the new, more stringent requirements.⁷

4. On May 1, 1954, the Mississippi Legislature created a twenty-five member Legal Education Advisory Committee.⁸

5. According to the *Clarion-Ledger* of August 1, 1954, in July, the Legal Educational Advisory Committee, together with Governor Hugh White, met with a group of Mississippi Negro leaders to discuss preserving a voluntary [fol. 911] equal but separate public school system in Mississippi. The Negroes rejected the proposal and as a result Governor White called "for an extraordinary session of the Legislature to convene on September 7 to consider submitting to the people a constitutional amendment empowering the Legislature, by two-thirds vote of both houses, to abolish the public schools, or to authorize counties and separate school districts to abolish the schools if efforts are not to force integration of the races in the schools and this becomes the last resort to prevent integration."⁹

6. On August 13, 1954, according to the *Clarion-Ledger* of that date Governor White expressed the view that:¹⁰

There is no thought among the Advisory Committee to abolish the public schools. . . . But the constitutional amendment must be passed as a weapon to hold over Negro heads to keep them from trying to force integrated schools upon Mississippi.

⁵ P. 54-2. Mississippi Laws, 1954, Ch. 427.

⁶ P. 54-2. Mississippi Laws, 1954, Ch. 427.

⁷ P. 54-2. Mississippi Laws, 1954, Ch. 427.

⁸ P. 54-3. Mississippi Laws, 1954, Ch. 420.

⁹ P. 54.6. The *Clarion-Ledger*: Jackson, Miss. August 1, 1954. P. 16, col. 2.

¹⁰ P. 54-7. The *Clarion-Ledger*, Jackson, Miss. August 13, 1954. P. 1.

7. During the same summer, 1954, white citizens councils were formed in Mississippi. The purpose of these organizations was the maintenance of racial segregation in the state.¹¹

In a circular of the Association of Citizens Councils of Mississippi, which sets forth the committees to be formed [fol. 912] in local citizens councils, the duties of each committee are stated:¹²

1. *Political and Elections Committee*—Screens all candidates in local and state elections against those who might be seeking the negro vote. If necessary, organize a white private election, within our group, to combat the negro bloc vote (as our old white primary). Discourage negro registration by every legal means.
2. *Information and Education Committee*—Gather information pertaining to segregation from all over our nation. Seek facts to present to our people. Educate all citizens, black and white, to the advantages of segregation and the dangers of integration. Handle press, radio and speakers. Coordinate with other similar organizations.
3. *Membership and Finance Committee*—Seeks white patriotic voters for membership. We must mobilize public opinion.
4. *Legal Advisory Committee*—Anticipates moves by agitators and devises legal means for handling any problem that may arise. Provides legal council for all members.

We will be in a position to support any national organization that we feel sanctions our ideals. If all eighty-two counties in Mississippi and the South were to organize, as we are doing, *what would our possibilities be?*

¹¹ P. 54-17. Robert B. Patterson. *The Citizen's Council Annual Report*. (Winona, Mississippi: Association of Citizens' Councils of Mississippi, 1955), p. 1.

¹² P. 54-18. "What is the Citizens' Council?" (Winona, Miss.: Association of Citizens' Councils of Mississippi, 1954).

8. An extraordinary sessions of the Mississippi Legislature convened September 9, 1954.¹³

9. In September 1954, the Legal Education Advisory Committee of the Mississippi Legislature submitted its statement of policy:¹⁴

[fol. 913] The Committee conceives its duty to be to devise the means and methods by which separate schools for the race shall be maintained in this state and to submit such plan to the legislature for its action thereon.

It was the sense of the committee that its first most important task is to determine what amendments to the state constitution are necessary to enable the legislature to effectively deal with the problem of segregation and integration in the public schools brought about by the decision of the Supreme Court of the United States of May 17, 1954, declaring that the doctrine of separate but equal facilities has no place in the education system of the nation, and that separate schools for the white and colored races based solely on race is in violation of the Fourteenth Amendment to the Constitution of the United States, therefore when a state undertakes to furnish education opportunities to its citizens [they] must be furnished to all regardless of race or color and without discrimination, thus abolishing our present school system set up under Section 207 of the constitution which provides: "separate schools shall be maintained for children of the white and colored races."

10. In September 1954, the Legislature adopted the resolution proposing a constitutional amendment to empower the Legislature to abolish the public schools or to authorize counties and separate school districts to abolish the schools.¹⁵

¹³ P. 54-19. *Journal of the Senate of the State of Mississippi, Extraordinary Session, 1954*, p. 3.

¹⁴ P. 54-20. *Journal of the House of Representatives of the State of Mississippi, Extraordinary Session, 1954*, p. 14.

¹⁵ P. 54-4. *Mississippi Laws, 1954*. Ex. Ch. 39.

11. On September 13, 1954, the work of the Citizens' Councils of Mississippi was acknowledged on the floor of the Mississippi House of Representatives. Mrs. Wilma B. Sledge, of Sunflower County, where the Citizens, Council was founded, stated:¹⁶

[fol. 914] The Citizens' Councils are a wide-spread group of local organizations composed of reliable white male citizens who believe that segregation is not discrimination and are organized for the sole purpose of maintaining segregation of the races. These councils will maintain segregation through unity and purpose, consolidation of public opinion, and utilization of all legal means available.

Each council accepts the responsibility of preventing integration of the races within its immediate territory. Should a consolidation of councils be necessary for concerted action, a centralized state control could be established within a matter of hours. This is true despite the fact that the combined membership has grown within the past two months to the extent that it is now numbered by the thousands.

All segregation problems confronting the respective councils are thoroughly studied by appropriate committees, and any action recommended have the complete sanction of legal advisors who are also members of the organization.

... In maintaining segregation, all city, county and state officials will receive complete support from their councils. Our Congressmen will receive like support.

All of Mississippi's law-enforcement officers will be given any assistance they request.

Agitation promoted or fomented by out-of-state individuals and organizations will be nullified.

Candidates for offices at all levels will be carefully screened by the political committees.

... They (the councils) seek to educate all citizens.

¹⁶ P. 54-21. *Journal of the House of Representatives of the State of Mississippi, Extraordinary Session, 1954*, pp. 47-49.

both black and white, to the advantages of segregation and the dangers of integration.

The spontaneous growth of the councils is indicative of the fact that they are predicated on law, order and decency for both races.

But segregation will be maintained.

[fol. 915] ... Every state in the South has been watching Mississippi. This is our decision and your pattern for the preservation of our way of life.

Ladies and Gentlemen, I am sure you agree with me that such motives and methods are laudable, timely, and imperative. They deserve the sanction and participation of all who are willing to mutually pledge their lives, their fortunes, and their honor to the preservation of an unsullied race. To falter would be tragic; to fail would be fatal. These will neither falter or fail.

12. Between October 28, 1954, and November 2, 1954, as indicated by newspaper reports, it was a matter of common knowledge throughout Mississippi that the purpose of the amendment to section 244 was to perpetuate the disfranchisement of Negroes. This fact was recognized by newspapers widely circulated and read in Mississippi.

The *Jackson Daily News* reported on October 28, 1954, a speech by Mr. Robert Patterson, Chairman of the Association of Citizens' Councils of Mississippi who stated: ¹⁷

The amendment is intended solely to limit Negro registration.

In the same newspaper on November 1, 1954, the following comment appears: ¹⁸

The amendment would raise voting requirements and its proponents admit it is designed to check the increasing number of Negro ballots.

¹⁷ P. 54-8. *Jackson Daily News*. Jackson, Miss. October 28, 1954.

¹⁸ P. 54-9. *Jackson Daily News*. Jackson, Miss. November 1, 1954.

The *Clarion-Ledger* on November 7, 1954, quoted a pre-election editorial in the *Natchez Times* regarding the pro-[fol. 916] posed amendment to Section 244:¹⁹

As for the "dictatorial" powers which would be granted the registrar, we cannot get overly excited. An elected official usually reflects the wishes of a majority of the electors and he carries out local customs as a means of political preservation.

On election day, November 2, 1954, at least two such explanations were made in the *Clarion-Ledger*, the morning paper. On page one, appears:²⁰

And the second [the proposed amendment to section 244] tightened up voting requirements and discouraged if not prevented further qualification of negroes for voting.

On the fourth page Charles M. Hill stated in his political column:²¹

However, there is a steady upturn of registration by negroes for the ballot. The constitutional amendment which appears on the ballot . . . is supposed to be a guard against that.

13. On November 2 the amendment to Section 244 of the Mississippi Constitution was submitted to and ratified by the voters of the state.²²

¹⁹ P. 54-10. The *Clarion-Ledger-Jackson Daily News*. Jackson, Miss. November 7, 1954.

²⁰ P. 54-11. The *Clarion-Ledger*. Jackson, Miss. November 2, 1954. P. 1.

²¹ P. 54-12. The *Clarion Ledger*, Jackson, Miss. November 2, 1954. P. 4.

²² P. 54-22. *Mississippi Official and Statistical Register*, 1950-1960. P. 392.

14. On November 3, 1954, the *Clarion Ledger* reported: ²³

[fol. 917] With 347 precincts reporting the vote was 17,317 for the amendment to change the laws for qualification of voters to provide for reading and interpreting the state constitution as a requirement for the new registrants amendment is plainly aimed at negro voters and the provisions would not apply to those already qualified.

The *Meridian Star* reported the same day: ²⁴

Slowly mounting returns today gave a 19 to 1 lead to a proposed amendment to restrict negro voting in Mississippi.

The *Gulfport Daily Herald* stated on November 4, 1954: ²⁵

Mississippians will have to know how to read and write before they can register to vote under a constitutional amendment approved in Tuesday's general election.

The amendment was aimed at placing new restrictions on Negro voters. Previously, the only restrictions was that applicants be able to read or understand the constitution when it was read to them.

The *Clarion-Ledger* also reported on November 4: ²⁶

Mississippi voters defeated a similar amendment just two years ago. Reasons for the shift in public opinion, resulting in approval of the amendment Tuesday, are too well known to need discussion. Chief among the recent events and developments inspiring

²³ P. 54-13. The *Clarion-Ledger*. Jackson, Miss. November 3, 1954. P. 1.

²⁴ P. 54-14. The *Meridian Star*. Meridian, Miss. November 3, 1954. P. 1.

²⁵ P. 54-15. The *Daily Herald*. Gulfport, Miss. November 4, 1954. P. 1.

²⁶ P. 54-16. The *Clarion-Ledger*. Jackson, Miss. November 4, 1954.

this shift of public opinion was the U. S. Supreme Court's decision outlawing segregation in the public schools even when equal facilities are provided.

We believe that under existing conditions and prospects our people were wise to approve this amendment. It should prove an effective weapon in the fight to retain segregation in and out of the schools.

[fol. 918] 15. On December 21, 1954, the people of Mississippi ratified the constitutional amendment which authorized the Legislature to abolish the public school system.²⁷

16. In January 1955, another extraordinary session of the Mississippi Legislature was called for the purpose of inserting in the Constitution the amendment to section 244 and that the amendment to authorize abolition of the public schools. Both amendments were inserted during this session.²⁸

17. In August, 1955 the annual report of the Citizens' Council stated in reference to the adoption and ratification of the two Constitutional amendments: ²⁹

The first major accomplishment by the first project undertaken by our Councils on a state level was the passage of the Constitutional Amendment to raise voter qualifications in Mississippi. Although this same amendment failed to pass in 1952, it passed by a tremendous majority when the people of Mississippi through the Citizens' Councils, were informed of the necessity and reason for the passage of this amendment. It is impossible to estimate the value of this amendment to future peace and domestic tranquility in this state.

Our next major effort was the school amendment. On December 21st of last year the people of Mississippi passed the amendment that gave the Legislature the power to abolish the public schools as a last resort in

²⁷ P. 54-23. *Mississippi Official and Statistical Register*, 1956-1960. P. 397.

²⁸ P. 54-5. *Mississippi Laws*, 1955, Ex. Ch. 132, 133.

²⁹ P. 54-17. Robert B. Patterson. *The Citizens' Council Annual Report* (Winona, Mississippi: Association of Citizens' Councils of Mississippi, 1955), p. 1.

order to prevent racial integration in these schools. In passing this amendment we told the world in no uncertain terms that before we would submit to integration we would abolish our schools and set up state-supported private schools. Against organized opposition, [fol. 919] the Citizens' Councils threw their strength behind the passage of this bill. The Council officers felt that if integration came to Mississippi our schools would automatically be destroyed, and we felt that this amendment was merely a legal statement of principle and fact that expressed the sentiment of the people of Mississippi.

18. The effect of the Amendment to Section 244 of the Mississippi Constitution was to disfranchise Negroes who applied to become registered to vote.

In Warren County, where a study was made, Negro registration between 1947 and 1955 totaled over 1900.

In March, 1955 the amendment to Section 244 of the Constitution was put into operation.

For the entire period, March, 1955 through 1962, Negro registration in Warren County has not exceeded 265.

A similar situation exists in Hinds County, Mississippi, where Negro registration for one year, 1954-1955, prior to the implementation of the Amendment to Section 244, exceeded 800.

For the entire seven-year period, 1955 through June, 1962 Negro registration has remained under 1250 persons.

[fol. 920] ANSWER TO INTERROGATORY NUMBER 15(a) AS TO THE FACTUAL BASIS FOR THE ASSERTION THAT THE PURPOSE OF SECTION 241-A OF THE MISSISSIPPI CONSTITUTION WAS TO SUBJECT THE VAST MAJORITY OF NEGRO CITIZENS OF VOTING AGE IN MISSISSIPPI TO THIS ADDITIONAL REQUIREMENT WHEN THEY ATTEMPT TO BECOME REGISTERED VOTERS; AND TO EXEMPT THE MAJORITY OF THE WHITE CITIZENS OF VOTING AGE IN MISSISSIPPI FROM THIS REQUIREMENT SINCE THEY ARE ALREADY REGISTERED VOTERS, AND TO PROVIDE AN ADDITIONAL DEVICE WITH WHICH REGISTRARS COULD DISCRIMINATE AGAINST NEGRO CITIZENS WHO SEEK TO REGISTER TO VOTE—A MEANS OF DISCRIMINATION WHICH WOULD MAKE DETECTION MORE DIFFICULT.

The factual basis for the assertion that the purpose of Section 241-A of the Mississippi Constitution was to subject the vast majority of Negro citizens of voting age in Mississippi to this additional requirement when they attempt to become registered voters; and to exempt the majority of the white citizens of voting age in Mississippi from this requirement since they are already registered voters, and to provide an additional device with which registrars could discriminate against Negro citizens who seek to register to vote—a means of discrimination which could make detection more difficult is as follows:

The nature and sequence of legislative events affecting Negroes in Mississippi was as follows:

November 1959 — A Mississippi Advisory Committee for the United States Civil Rights Commission was established.

[fol. 921] January—The Congress of the United States considered and debated the proposed Civil Rights Act of 1960 providing, among other things, for the authority of the Attorney General to inspect and copy voter registration records upon his demand and for the appointment of federal referees in cases involving voter discrimination.
1960

February 10, 1960—A bill was introduced into the Mississippi Legislature which would amend the Constitution to permit the Legislature to determine the qualifications for grand and petit jurors. Under Article 26 of the Mississippi Constitution a grand or petit juror had to be a qualified voter.¹

February 18, 1960—The Mississippi Advisory Committee announced that its prime target would be Negro voter registration throughout the state.²

March 3, 1960 —The Mississippi Legislature by joint resolution condemned the proposed 1960 Civil Rights Act. The Legislature commended Senators Eastland and Stennis for their fight against the proposed Civil Rights Act.³

[fol. 922] March 19, and 22, 1960 —Ten bills were introduced into the Mississippi House of Representatives that would tighten up provisions against trespassing and demonstrations such as sit-ins, in public places and inciting the commission of such acts.⁴

March 24, 1960 —A bill was introduced in the Mississippi Senate to permit registrars to destroy registration records.⁵

¹ P. 60-1. H.C.R. No. 23. *Journal of the House of Representatives of the State of Mississippi, Regular Session, 1960.* P. 109.

² P. 60-25. *The Clarion-Ledger.* Jackson, Mississippi. February 18, 1960. P. 1.

³ P. 60-17. Mississippi Laws, 1962, Ch. 510.

⁴ P. 60-2—P. 60-5. H.B.'s 431, 432, 433, 490, 556, 558, 559, 560, 595. *Journal of the House of Representatives of the State of Mississippi, Regular Session, 1960.* Pp. 266, 267, 326, 327.

⁵ P. 60-6. S.B. 1883. *Journal of the Senate of the State of Mississippi, Regular Session, 1960.* P. 319.

March 28, 1960

—At least thirteen important segregation bills were introduced into the Legislature; two were to amend the Constitution to require that electors be of good moral character;⁶ three were to amend the Constitution to eliminate written applications to vote;⁷ three were to amend the Constitution to eliminate the provision that the Legislature must maintain a public school system and to make the maintenance of a school system discretionary;⁸ one bill would permit the district Boards of Trustees to close the schools;⁹ and four [fol. 923] bills would make it perjury under state law to make false statements to any federal authority.¹⁰ These last four bills named the Civil Rights Commission and the Federal Bureau of Investigation specifically.

April 12, 1960

—A concurrent resolution commending the determined stand of the Government of the Union of South Africa in maintaining its firm segregation laws was introduced in the Mississippi Legislature.¹¹

⁶ P. 60-7. S.C.R. 147 (Ch. 550). *Journal of the Senate of the State of Mississippi, 1960.* P. 351.

⁷ P. 60-8. S.C.R. 139, 142, 146. *Journal of the Senate of the State of Mississippi, 1960.* P. 350-352.

⁸ P. 60-9, P. 60-10. S.C.R. 143 (Ch. 547) H.C.R. 57, H.C.R. 58. *Journal of the Senate of the State of Mississippi, 1960.* P. 350. *Journal of the House of Representatives of the State of Mississippi, 1960.* P. 391.

⁹ P. 60-11. S.B. 1923 (Ch. 316) *Journal of the Senate of the State of Mississippi, 1960.* P. 340.

¹⁰ P. 60-12. S.B. 1921, H. B. 732 (Ch. 255), H.B. 733 (Ch. 263), H.B. 734 (Ch. 56). *Journal of the Senate of the State of Mississippi, 1960.* P. 340. *Journal of the House of Representatives of the State of Mississippi, 1960.* P. 383.

¹¹ P. 60-13. H.C.R. 67 (Ch. 519). *Journal of the House of Representatives of the State of Mississippi, 1960.* P. 536.

- April 13, 1960 —The Mississippi Legislature approved voter application destruction bill.¹²
- April 28 and May 5, 1960 —The Legislature of Mississippi passed a joint resolution to amend Article XII of the Mississippi Constitution of 1890 to include a new section (Section 241-A) which added the voter qualification of good moral character.¹³
- May 2, 1960 —The Mississippi Legislature approved a resolution to amend the Constitution so that grand and petit jurors need not be qualified electors.¹⁴
- [fol. 924] May 5, 1960 —Mississippi Legislature approved the resolution to amend the Constitution to add the good moral character requirement. It also approved the proposed amendment authorizing the Legislature eliminating the requirement that public schools be maintained and permits the maintenance of public schools at the discretion of the Legislature.¹⁵
- May 6, 1960 —The Civil Rights Act of 1960 was approved.
- November 8, 1960 —The proposed addition to Article XII requiring good moral character as a prerequisite to voting, was submitted to and adopted by the voters.¹⁶ Section 241-A as adopted gave the Legislature power to enforce the provisions thereof by appropriate legislation.

¹² P. 60-14. *Journal of the House of Representatives of the State of Mississippi 1960*. P. 564.

¹³ P. 60-18. *Mississippi Laws, 1960*, Ch. 550.

¹⁴ P. 60-15. *Journal of the House of Representatives of the State of Mississippi, 1960*. p. 992.

¹⁵ P60-16. *Journal of the House of Representatives of the State of Mississippi 1960*. p. 934.

¹⁶ P60-24. *Mississippi Official and Statistical Register, 1960-1965*. p. 402.

May 17, 21, and
22, 1962

The Mississippi Legislature adopted legislation implementing Section 241-A.¹⁷ Section 3235 of the Mississippi Code was amended to add:¹⁸

Except that any person registering after the effective date of this Act shall be of good moral character as required by Section 241-A of the Mississippi Constitution.

[fol. 925]

At the same time, Section 3209.6 of the Mississippi Code was amended to require the defendant State Board of Election Commissioners to include in the application forms spaces for information showing the good moral character of the applicant for registration.¹⁹ Two new laws were also enacted relating to the good moral character of the applicants: one requiring publication of the names and addresses of all applicants; the other providing the procedure by which qualified electors, by affidavit, could challenge the good moral character of any applicant for registration.²⁰

The purpose of the proposed amendment and package legislation was a matter of common knowledge in Mississippi. Newspaper reports and comments made this purpose clear. Mr. W. F. Minor, Mississippi correspondent for the *New Orleans Times-Picayune*, reported in that paper on April 3, 1960:²¹

While Congress moves toward passage of a civil rights bill to help Negroes in exercising their voting

¹⁷ P60-19-P60-23. Mississippi Laws, 1962, Ch. 569, 571, 572, 573, 575.

¹⁸ P60-23. Mississippi Laws, 1962, Ch. 575.

¹⁹ P60-19. Mississippi Laws, 1962, Ch. 569.

²⁰ P60-21, P60-22. Mississippi Laws, 1962, Ch. 572, 573.

²¹ P60-26. The *Times-Picayune*. New Orleans, Louisiana. April 3, 1960.

right in the South, Mississippi's legislature last week was working on new barriers to keep Negroes from voting.

The segregation strategists in the Legislature apparently were keeping an eye on the civil rights bill to find loopholes which they use to get around the law if it does pass.

[fol. 926] But, there apparently will still be some conflict between the voting provisions of the federal bill and the state laws.

The latest move of the legislative segregation forces is to wipe out all provisions in the state law and constitution requiring the keeping of permanent public records on voter registration applications.

Registration Study

This seems to be the state's answer to the federal law—if there are no records, how can the federal government prove Negroes are victims of discrimination?

But, one provision of the civil rights bill has a requirement for keeping records in elections of federal officials for 22 months. It's uncertain how this would affect the new state voter registration strategy. . . .

Also part of the new strategy is the requirement that a voter must be of 'good moral character' to qualify to register.

In 1952, the people voted down a constitutional amendment which would have added to 'good moral character' requirement to voter registration.

The objection to the proposal was that the circuit clerk of a county would be the sole judge of a person's moral character as a prerequisite to voting. . . .

Another article by Mr. Minor appeared in the *Times-Picayune* on April 13, 1960, pointing out:²²

With one eye on the public enactment of a new Civil Rights bill by Congress, the Mississippi Senate moved

²² P60-27. The *Times-Picayune*. New Orleans, Louisiana. April 13, 1960.

Tuesday to permit voter registrars to destroy records of rejected Negro voter applications.

The bill, which still faces House action, was rushed through the Senate shortly before it adjourned Tuesday. Explanation of the purpose of the bill was made while the Senate was still in an executive session called to confirm several gubernatorial appointments.

[fol. 927] But one Senator said later, 'If this bill is going to have any effect, it must be passed before the President signs the Civil Rights Bill.'

The *Jackson Daily News* reported in October, 1960:²³

Voter approval of five proposed constitutional amendments of which three deal in the racial issue would help 'to protect our way of life'. Governor Ross Barnett said Monday.

Barnett said he hopes voters will give 'such strong endorsement of these proposals that there will remain no doubt as to Mississippi's position on these vital matters'.

On October 27, 1960, five days before the election, the *Jackson Daily News* stated:²⁴

The Citizens' Councils of Mississippi has added its endorsement to three constitutional amendments appearing on the Nov. 3 election ballot.

The amendments favored by the councils are those pertaining to juror qualifications, providing the legislature with additional authority in public education and strengthening voter registration qualifications.

A statement of endorsement by Bob Patterson, executive secretary, stated:

'The state executive committee of the association of

²³ P60-28. The *Jackson Daily News*. Jackson, Mississippi. October, 1960.

²⁴ P60-29. The *Jackson Daily News*. Jackson, Mississippi. October 27, 1960.

Citizens' Councils of Mississippi urges the people of Mississippi to vote for these amendments as they provide additional defenses against the domination of Mississippians by alien pressure groups and agitators'.

The State Sovereignty Commission, the state's watchdog agency against racial strife, has already backed the three amendments, as has Gov. Ross Barnett.

The Mississippi chapter of the NAACP is among the few groups which has announced opposition to the amendments.

[fol. 928] ANSWER TO INTERROGATORY NUMBER 18(a) AS TO THE FACTS UPON WHICH THE UNITED STATES WILL RELY TO PROVE THE ASSERTION CONTAINED IN PARAGRAPH 66 OF THE COMPLAINT THAT THE PURPOSE OF EACH OF THE FOLLOWING ACTS OF THE LEGISLATURE OF MISSISSIPPI OR ANY ONE OR COMBINATION OF THEM IS TO DETER, PREVENT, DELAY AND HARASS NEGROES AND/OR TO MAKE IT MORE DIFFICULT FOR NEGROES IN THEIR EFFORTS TO BECOME REGISTERED VOTERS, TO FACILITATE DISCRIMINATION AGAINST NEGROES, AND/OR TO MAKE IT MORE DIFFICULT FOR THE UNITED STATES TO PROTECT THE RIGHT OF ALL ITS CITIZENS TO VOTE WITHOUT DISTINCTION OR DISCRIMINATION BASED ON RACE OR COLOR.

H. B. 900, Reg. Sess., 1962

H. B. 901, Reg. Sess., 1962

H. B. 905, Reg. Sess., 1962

H. B. 822, Reg. Sess., 1962

H. B. 904, Reg. Sess., 1962

H. B. 903, Reg. Sess., 1962

The facts upon which the United States will rely to prove the assertion contained in Paragraph 66 of the Complaint that the purpose of each of the Acts listed in the preceding paragraph, of the Legislature of Mississippi or any one or combination of them is to deter, prevent, delay and harass Negroes and/or to make it more difficult for Negroes in their efforts to become registered voters, to facilitate discrimination against Negroes, and/or to make it more difficult for the United States to protect the right of all its citizens to vote without distinction or discrimination based on race or color is as follows:

Plaintiff will rely on the record of all litigation brought by the United States under 42 U.S.C. 1971 and Title III of the 1960 Civil Rights Act within the State of Mississippi since 1960 as proof of notice to the State of Mississippi and its legislature that the United States government intended to enforce the command of the Fifteenth Amendment within the State of Mississippi.

[fol. 929] 1. Governor Ross Barnett, in a speech to a joint

session of the Mississippi Legislature on January 3, 1962, stated:¹

Since you met here in 1960, the so-called "Justice" Department of our own government has invaded certain counties and municipalities of our State and has become an active party to the harassment of our elected officials and of our people. The United States Attorney General has been directly responsible for the filing of federal lawsuits against certain duly-elected officers of this State under the now rather moth-eaten misnomer of "Civil Rights." He would create turmoil in our State. During the past year, our State has been made a regular racetrack for so-called "Freedom Riders." These questionable characters, coming to us from violence-plagued areas of the nation, have made repeated and deliberate attempts to inflame our people. They have deliberately violated our laws. They have refused to obey law enforcement officers. They came into our State to breach the peace, and hundreds of them succeeded in doing so. Our public officials and law enforcement officers are to be commended for the manner in which they have handled these law violators from other states. Our Sovereignty Commission has done a most effective job, too, in working closely with our officials and our peace officers.

* * * *

We must protest every invasion. We must fight every inch of the way. We must let the entire nation know that we are proud of our conservative position and that we will not become a part of the blind mob that is rushing our nation into internationalism, one-world Socialism—or worse.

2. In 1962 Negro citizens and organizations conducted a voter registration drive in Mississippi for the purpose of increasing the number of Negroes eligible to vote in the 1962 primary elections.

¹ P62-23. *Journal of the Senate of the State of Mississippi*, 1962. p. 19-20.

[fol. 930] 3. In 1962 Negroes were candidates for the office of representative to the Congress of the United States for the first time since Reconstruction.²

4. The Mississippi Legislature, during 1962, proposed and/or in some instances passed laws relating to candidates for office:

a. Under the Constitution of 1890, any qualified elector was eligible for public office.³ A Constitutional amendment adopted by the Legislature gave the Legislature authority to specify additional qualifications for holding office.⁴ This amendment was ratified by the electorate of Mississippi in the general election of 1962.

b. Another bill adopted by both Houses provided that all individuals comprising governing authority of municipalities be elected through a city-wide vote rather than by individual wards.⁵

The *Tupelo Daily Journal*, on March 2, 1962 discussed this measure:⁶

[fol. 931] The Senate Thursday adopted a provision aimed at preventing the election of Negroes to city boards of aldermen.

Under the bill, which now goes to the House, aldermen would be picked in city-wide votes rather than in ward elections.

Sen. Bill Caraway of Leland, author of the measure,

² P62-24. *The Tylertown Times*. Tylertown, Walthall, Mississippi. May 31, 1962. Also, according to the *Jackson Daily News*, 1954 was the first year since Reconstruction that (a) Negroes had served on a Washington County, Mississippi jury; (b) Negroes had run for any public office in Jefferson Davis County, Mississippi. The *Jackson Daily News*, Jackson, Mississippi. April 13, 1954 and April 27, 1954.

³ P62-1. Mississippi Constitution of 1890. Article 12, Section 250.

⁴ P62-3. Mississippi Laws, 1962. Ch. 640.

⁵ P62-4. Mississippi Laws, 1962. Ch. 537.

⁶ P62-25. *The Daily Journal*. Tupelo, Mississippi. March 2, 1962.

said wards in a few Mississippi cities may soon have enough Negro voters to swing elections.

c. Formerly the county political executive committees were required to appoint precinct managers from among supporters of all the candidates, whenever possible.⁷ House Bill 443 (Ch. 565) eliminated this requirement.⁸

The *Morning Advocate*, on May 11, 1962, observed:⁹

The Mississippi Senate approved a bill Thursday to help prevent Negro poll workers serving in primary elections.

The House-passed bill was put through the Senate in the absence of reporters, who were out while the chamber met in a executive session. The bill was called up and passed before newsmen could re-enter the chamber.

"The less you say about it to the press the better," one Senator was heard to remark.

The bill permits county executive committees to name poll managers, removing a feature that the managers must be selected from among the backers of leading candidates.

On March 1, 1962 the *Delta Democrat-Times* stated:¹⁰

[fol. 932] Mississippi law is constantly changing to ward off racial integration threats.

One law undergoing such a change now concerns appointment of persons to manage voting precincts during elections.

The present law carries a provision that county Democratic executive committees equally distribute precinct manager posts among supporters of all candidates for the chief offices to be filled.

The House of Representatives, mindful that two

⁷ P62-2. Mississippi Code of 1942. § 7505.

⁸ P62-5. Mississippi Laws, 1962, Ch. 565.

⁹ P62-26. *The Morning Advocate*, Baton Rouge, Louisiana. May 11, 1962.

¹⁰ P62-27. *The Delta Democrat-Times*. Greenwood, Mississippi, March 1, 1962.

Negroes are running for Congress, voted overwhelmingly Wednesday afternoon to delete the provision and the Senate is expected to follow suit.

No reason was given for the deletion during House discussion, but it was generally known that it stemmed from the candidacies of Negroes Robert Smith of Jackson and Theodore Trammell of Clarksdale.

d. Senate Bill 1580 (Ch. 566) proposed increased qualifying fees for candidates for political party nominations and certain general elections candidates.¹¹

e. House Bill 991 would have increased the number of petitioners needed to place a candidate's name on the ballot when he was not nominated by a political party.¹²

f. Senate Bill 1706 (Ch. 567) required candidates in primary elections to qualify 60 days before the primary.¹³

g. Senate Bill 1943 provided for the nomination of county and county district officers by convention rather than by popular primary elections.¹⁴

[fol. 933] h. Senate Bill 2093 provided that the participant in a primary election cannot oppose the party nominee in the general election or sign the petition of an opponent.¹⁵

Although not all of these measures were enacted in Mississippi law, they indicate a desire by members of the Mississippi Legislature to tighten requirements for candidacy for public office and to provide for stricter supervision of candidates by party executive committees.

5. During the 1962 Session, the Mississippi Legislature also attempted to implement, with four bills, the 1960 amendment to Section 264 of the Constitution which eliminated

¹¹ P62-6. Mississippi Laws, 1962, Ch. 566.

¹² P62-16. H.B. 991. Passed in House, May 11, 1962. Did not pass in Senate.

¹³ P62-7. Mississippi Laws, 1962, Ch. 567.

¹⁴ P62-17. S.B. 1943, Introduced in Legislature, March 27, 1962. Did not pass.

¹⁵ P62-18. S. B. 2093. Introduced in Senate. April 19, 1962. Did not pass.

the requirement that a grand or petit juror be a qualified elector.¹⁶

6. On April 10, 1962, The United States was granted a temporary injunction by the Court of Appeals prohibiting Theron C. Lynd, Circuit Clerk and Registrar of Forrest County, Mississippi, from discriminating against Negro applicants for application.¹⁷

[fol. 934] On April 17, 1962 a series of registration laws was introduced into the Mississippi House of Representatives.

A comparison of the findings of fact and the orders in the Lynd case with the bills introduced into the Legislature immediately following shows the following:

Finding of Fact: Many white applicants were not required to fill out application forms; other white applicants were given assistance in filling out applications; others were not rejected for filling out the form incorrectly.¹⁸

Order: The registrar must give Negroes the benefit of the same type of assistance he gives to white persons.¹⁹

¹⁶ a-P62-8. Mississippi Laws, 1962. Ch. 308;

b-62-19. H.B. 720. Passed in House, May 24, 1962, Did not pass in Senate;

c-P62-20. S. B. 1536. Introduced in Senate, January 15, 1962, Did not pass;

d-P62-21. S. B. 2009: Introduced in Senate, April 10, 1962, Did not pass.

¹⁷ P62-28. *United States v. Lynd*, 301 f. 2d 818 (5th Cir. 1962) (Reh. den. 5/21/62).

¹⁸ P62-29. *United States v. Lynd*, 301 f. 2d 821. (5th Cir. 1962) (Reh. Den. 5-21-62)

¹⁹ P62-28 and P62-30. *United States v. Lynd*, 301 f. 2d 818; 823 (5th Cir. 1962) (Reh. Den. 5-21-62)

**Legislative
Action:**

One bill was introduced which required that all blanks on the application form be correctly and completely filled out, and that no assistance be given to applicants by the registrar.²⁰

Finding of Fact: Negroes were not given the cause or reason for the rejection of their applications for registration.²¹

[fol. 935]

**Legislative
Action:**

A bill was introduced which provided that the registrar not give reasons for rejection to applicants except that when the rejection was solely for lack of "good moral character," this fact might be written on the rejected application form.²²

Finding of Fact: Obviously qualified Negroes were rejected, including six with bachelor's degrees and three with master's degrees.²³

**Legislative
Action:**

Several bills were introduced to change the qualifications for voters. The 1960 amendment to Section 244 of the Mississippi Constitution was implemented by inserting a good moral character requirement into laws regarding eligibility to vote in general and primary elections.²⁴ It was further implemented by changing the application form to provide a space for the determination of moral charac-

²⁰ P62-9. Mississippi Laws, 1962. Ch. 570.

²¹ P62-29. *United States v. Lynd*, 301 f. 2d 821 (5th Cir. 1962) (Reh. Den. 5-21-62)

²² P62-10. Mississippi Laws, 1962. Ch. 571.

²³ P62-29. *United States v. Lynd*, 301 f. 2d 821 (5th Cir. 1962) (Reh. Den. 5-21-62).

²⁴ P62-11. Mississippi Laws, 1962. Ch. 575.

**Legislative
Action:**

ter.²⁵ Another bill required the publication of names and addresses of all applicants for registration.²⁶

[fol. 936] One bill permitted third parties to challenge the good moral character of any applicant, after the publication of his name. This bill also provided that the registrar would arrange and conduct a hearing to determine the moral character of challenged applicants.²⁷

Finding of Fact: Negroes whose applications were rejected were required to wait six months before re-applying, although there was no statutory basis for this requirement.²⁸

**Legislative
Action:**

A bill which would establish a six-month waiting period was introduced and passed in the senate.²⁹

In its investigations and litigation in Mississippi, the United States was using Mississippi poll books to help discover patterns of racial discrimination in voting.

A bill included in the 1962 package legislation removed from the Mississippi poll books the column indicating the race of the voter.³⁰

²⁵ P62-12. Mississippi Laws, 1962. Ch. 569.

²⁶ P62-13. Mississippi Laws, 1962. Ch. 572.

²⁷ P62-22. Mississippi Laws, 1962. Ch. 573.

²⁸ P62-29. United States v. Lynd, 301 f. 2d 821 (5th Cir. 1962) (Reh. Den. 5-21-62).

²⁹ P62-22. S. B. 1927.

³⁰ P62-15. Mississippi Laws, 1962. Ch. 574.

[fol. 937] ANSWER TO INTERROGATORY NUMBER 18(a) AS TO THE NAME, ADDRESS, AND OFFICIAL CAPACITY OF EACH PERSON KNOWN TO THE UNITED STATES TO HAVE BEEN MOTIVATED IN THE ENACTMENT OF EACH OF THESE ACTS OF THE LEGISLATURE, BY SAID PURPOSE.

The name, address, and official capacity of each person known to the United States to have been motivated, in the enactment of each of these Acts of the Legislature, by said purpose, have not as yet been ascertained.

[fol. 938] ANSWER TO INTERROGATORY NUMBER 18(b), AS TO THE SPECIFIC MANNER OR MEANS BY WHICH SAID PURPOSE WAS EXECUTED OR PUT INTO EFFECT.

The United States has not yet ascertained the specific manner or means by which said purpose was executed or put into effect.

[fol. 939] ANSWER TO INTERROGATORY NUMBER 18(c) AS TO THE NAME AND ADDRESS OF EACH PERSON THE UNITED STATES PLANS TO CALL AS A WITNESS OR OTHERWISE USE ON THE TRIAL OF THIS CAUSE TO PROVE THE ABOVE-MENTIONED ALLEGATIONS OF PARAGRAPH 66 OF THE COMPLAINT.

The United States has not yet ascertained the name and address of each person whom it plans to call as a witness or otherwise use on the trial of this cause to prove the above-mentioned allegations of paragraph 66 of the Complaint.

[fol. 940] ANSWER TO INTERROGATORY NUMBER 18(d) AS TO THE SPECIFIC DOCUMENTS WHICH THE UNITED STATES INTENDS TO USE TO PROVE THE ALLEGATIONS OF SAID PARAGRAPH 66 OF THE COMPLAINT.

The specific documents which the United States intends to use to prove the allegations of said paragraph 66 of the Complaint are as follows:

- (1) Mississippi Laws, 1962.
- (2) *Journal of the Senate of the State of Mississippi, Regular Session, 1962.*
- (3) *Journal of the House of Representatives of the State of Mississippi, Regular Session, 1962.*
- (4) Mississippi Constitution of 1890.
- (5) Mississippi Code of 1942.
- (6) *United States v. Lynd*, 301 F.2d 818 (5th Cir. 1962).
- (7) *The Daily Journal*, Tupelo, Mississippi.
- (8) *The Morning Advocate*, Baton Rouge, Louisiana.
- (9) *The Delta Democrat-Times*, Greenwood, Mississippi.

[fol. 941] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

Civil Action No. 3312

[Title omitted]

ANSWERS TO INTERROGATORIES OF STATE OF MISSISSIPPI; MRS.
PAULINE EASLEY, CIRCUIT CLERK AND REGISTRAR OF CLAI-
BORNE COUNTY; J. W. SMITH, CIRCUIT CLERK AND REGIS-
TRAR OF COAHOMA COUNTY; T. E. WIGGINS, CIRCUIT CLERK
AND REGISTRAR OF LOWNDES COUNTY—Filed September 3,
1963

Comparison of Education for Negroes and White Persons
1890—1963

[fol. 942] ANSWER TO INTERROGATORY NUMBER 11(a) AS TO THE ENTIRE FACTUAL BASIS ON WHICH THE UNITED STATES MAKES THE ASSERTION CONTAINED IN PARAGRAPH 31 OF THE COMPLAINT THAT PUBLIC EDUCATIONAL FACILITIES PROVIDED FOR NEGROES WERE AND ARE INFERIOR TO THOSE PROVIDED FOR WHITE PERSONS.

The factual basis of the allegation that public education facilities provided for Negroes in Mississippi were and are inferior to those provided for white persons is as follows:

- A. Since at least 1890 all public elementary and secondary schools in Mississippi have been segregated by race and until October 1, 1962, all public schools in Mississippi had been segregated by race.

Mississippi Constitution, Article 4, section 207. On October 1, 1962, James Meredith, a Negro student, was admitted to the University of Mississippi Undergraduate School by Court order. He graduated on August 18, 1963. On June 6, 1963, Cleve McDowell, a Negro student, was admitted to the Law School of the University of Mississippi. All other public educational institutions in Mississippi are segregated at the present time.

B. Since at least 1890 there have been more Negro children than white children of school age in Mississippi

State of Mississippi School Census

Year	White	Negro
1890 ¹	207,652	292,581
1910 ²	301,548	410,089
1929 ³	379,678	493,987
1949 ⁴	393,804	492,349
1960 ⁵	329,215	337,871

¹ E-O-3 *Biennial Report of the State Superintendent of Public Education to the Legislature of Mississippi for the Scholastic Years 1891-92 and 1892-93*, p. III.

² E-O-5 *Biennial Report of the State Superintendent of Public Education to the Legislature of Mississippi for the Scholastic Years 1909-10 and 1910-11*, p. 145.

³ E-O-7 *Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi for the Scholastic Years 1929-1930 and 1930-1931*, p. 99.

⁴ E-O-18 *Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi for the Scholastic Years 1949-1950 and 1950-1951*, p. 114.

⁵ E-O-75 *Statistical Data School Session 1961-1962*, Mississippi State Department of Education (1962), p. 1.

[fol. 943] C. The public elementary and secondary schools in Mississippi provided for white children have been and are supreior to public school facilities provided for Negroes.

1. White public school teachers were and are more highly trained than Negro public school teachers in Mississippi

	Graduate Degree(s)	College Degree	Not H.S. Graduate
	1929-1930		
White	334 ^a	3,263 ^a	358 ^a
Negro	Not available	400 ^a	2,719 ^a
	1939-1940 ^a		
White	459	5,977	11
Negro	Not available	600	3,000
	1949-1950 ^a		
White	710	5,943	0
Negro	27	1,194	710
	1953-1954 ^a		
White	1,493	6,742	0
Negro	90	2,350	78
	1960-1961 ^a		
White	2,345	8,252	0
Negro	489	6,328	0
	1961-1962 ¹⁰		
White	2,473	8,585	0
Negro	553	6,829	0

[fol. 944] ^a E-O-8 *Twenty Years of Progress 1910-1930 and A Biennial Survey Scholastic Years 1929-1930 and 1930-1931 of Public Education in Mississippi*, p. 87.

⁷ E-O-37 *Report of the Committee of Investigation of the Teacher Training Facilities Provided for Negroes in Mississippi* (1930) (Bulletin #61, State of Mississippi, Dept. of Ed.), pp. 35, 51.

⁸ E-O-13 *Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi for the Scholastic Years 1939-1940 and 1940-1941*, pp. 17, 39.

⁹ E-O-40 *Public Education in Mississippi: Reports of Advisory Study Group to the Legislative Education Study Committee* (1961), vol. 1, p. 236.

¹⁰ E-O-75 *Statistical Data School Session 1961-1962*, Mississippi State Department of Education (1962), p. 34.

[fol. 945] 2. White teachers were and are more highly paid than Negro teachers

		1890-1891 ¹¹	
		Average Monthly Salary	
White			\$32.41
Negro			22.54
		1909-1910 ¹²	
		Average Monthly Salary	
		City Districts	County Districts
White		\$63.03	\$42.38
Negro		29.08	20.52
Average Yearly Salary of Classroom Teachers ¹³			
		1941-1942	
White		\$	735.39
Negro			232.93
		1949-1950	
White			1,805.69
Negro			710.56
		1953-1954	
White			2,176.55
Negro			1,244.08
		1961-1962	
White			3,742.39
Negro			3,236.75

¹¹ E-O-3 *Biennial Report of the State Superintendent of Public Education to the Legislature of Mississippi for Scholastic Years 1891-92 and 1892-93*, p. IV.

¹² E-O-5 *Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi for the Scholastic Years 1909-10 and 1910-11*, p. 103.

¹³ E-O-75 *Statistical Data School Session 1961-62*, Mississippi State Department of Education (1962), p. 42.

[fol. 946] 3. In Mississippi more white teachers are provided per white child in attendance than per Negro child in attendance.

Pupil-Teacher Ratio		
	1931-1932 ¹⁴	
White		23-1
Negro		34-1
	1939-1940 ¹⁵	
White		25.5-1
Negro		35.1-1
	1951-1952 ¹⁶	
White		26-1
Negro		34-1
	1961-1962 ¹⁷	
White		23-1
Negro		28.5-1

¹⁴ E-O-8 *Twenty Years of Progress, 1910-1930 and a Biennial Survey Scholastic Years 1929-30 and 1930-31 of Public Education in Mississippi*, p. 67.

¹⁵ E-O-13 *Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi for the Scholastic Years 1939-40 and 1940-41*, pp. 39, 59 [computed: number of teachers/average daily attendance].

¹⁶ E-O-67 *Statistical Data School Session 1951-52*, Mississippi State Department of Education, p. 24.

¹⁷ E-O-75 *Statistical Data School Session 1961-62*, Mississippi State Department of Education, pp. 1, 39 [computed: number of teachers/average daily attendance].

[fol. 947] 4. More money is spent for instruction of white children than Negro children in Mississippi

Instructional Cost Per Child
in Average Attendance

	1900-1901 ¹⁸	
White		\$ 8.20
Negro		2.67
	1929-1930 ¹⁹	
White		\$ 40.42
Negro		7.45
	1939-1940 ²⁰	
White		\$ 31.23
Negro		6.69
	1949-1950 ²¹	
White		\$ 78.70
Negro		23.83
	1956-1957 ²²	
White		\$128.50
Negro		78.70
	1960-1961 ²³	
White		\$173.42
Negro		117.10

¹⁸ E-O-4 Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi for the Scholastic Years 1899-1900 and 1900-1901, p. 17.

¹⁹ E-O-7 Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi for the Scholastic Years 1929-1930 and 1930-1931, pp. 99, 103 [computed: total instructional costs/average daily attendance].

²⁰ E-O-13 Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi for the Scholastic Years 1939-1940 and 1940-1941, pp. 59, 75 [computed: total instructional cost/average daily attendance].

[fol. 948] ²¹ E-O-18 Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi for the Scholastic Years 1949-1950 and 1950-1951, pp. 114, 133 [computed: total instructional cost/average daily attendance].

²² E-O-21 Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi for the Scholastic Years 1955-1956 and 1956-1957, pp. 113, 155 [computed: total instructional cost/average daily attendance].

²³ E-O-23 Biennial Report and Recommendations of the

[fol. 949] (a) In 1961-62 most school districts in Mississippi spent far more for the instruction of each white child than for the instruction of each Negro child.²⁴

Following are comparisons of expenditures above the state minimum program for instruction in Mississippi school districts, listed on a per-child basis:

District	White	Negro
Aberdeen Sep.	\$ 54.78	\$ 11.15
Alcorn Co.	19.39	—
Amite Co.	70.46	2.24
Amory Sep.	70.65	28.22
Anguilla	130.85	21.15
Attala Co.	62.67	12.42
Baldwyn Sept.	32.45	10.04
Bay St. Louis Sep.	106.55	19.43
Benton Co.	59.42	15.63
Biloxi Sep.	128.92	86.25
Bolivar Co. 1	125.10	2.32
Bolivar Co. 2	117.63	3.16
Bolivar Co. 3	177.37	4.46
Bolivar Co. 4	101.55	23.86
Bolivar Co. 5	123.65	5.68
Bolivar Co. 6	—	14.26
Brookhaven Sep.	58.56	20.79
Calhoun Co.	38.96	21.28
Canton Sep.	35.79	17.00
Carroll Co.	61.26	7.08
Chickasaw Co.	55.42	.62
Choctaw Co.	46.84	16.97
Claiborne Co.	142.64	19.88
Clarke Co.	56.82	16.11
Clarksdale Sep.	146.06	25.07
Clay Co.	64.07	15.31
Coahoma Co.	139.33	12.74
Coffeeville	68.95	6.55
Columbia Sep.	90.73	27.82
Columbus Sep.	106.74	54.92
Copiah Co.	49.88	7.11
Corinth Sep.	79.94	41.32
Covington Co.	52.53	23.95
Desoto Co.	87.66	3.74
Drew Sep.	104.06	20.93
East Jasper	111.22	8.57
East Tallahatchie	69.15	6.61

State Superintendent of Public Education to the Legislature of Mississippi for the Scholastic Years 1959-1960 and 1960-1961, pp. 33, 77 [computed: total instructional cost/average daily attendance].

²⁴ E-O-77 *Southern School News*, February 1962, p. 6. The figures were taken from a report of the State of Mississippi Department of Education. This report was not officially published until after a newspaper report referred to it. The non-official source is used here because the United States does not have this report at the present time.

[fol. 950]

District	White	Negro
Forrest Co.	\$ 67.76	\$ 34.19
Forrest Sept.	86.48	40.58
Franklin Co.	77.62	13.86
George Co.	66.53	34.65
Greene Co.	69.50	11.37
Greenville Sep.	134.43	34.25
Greenwood Sep.	116.78	46.45
Grenada Co.	91.51	13.31
Grenada Sept.	79.00	27.38
Gulfport Sept.	93.34	50.76
Hancock Co.	64.16	—
Harrison Co.	58.91	14.24
Hattiesburg Sep.	115.96	61.69
Hazlehurst Sep.	90.95	9.76
Hinds Co.	80.24	10.41
Hollandale	117.81	18.00
Holly Bluff	191.17	1.26
Holly Springs Sep.	99.78	7.84
Holmes Co.	117.92	5.73
Houston Sep.	44.75	—
Humphreys Co.	116.62	15.35
Indianola Sep.	72.26	15.17
Itawamba Co.	34.99	46.06
Iuka Sep.	29.73	25.32
Jackson Co.	76.51	68.99
Jackson Sep.	149.64	106.37
Jefferson Co.	96.29	2.60
Jefferson Davis Co.	59.44	10.24
Jones Co.	38.25	29.45
Kemper Co.	71.28	11.91
Kosciusko Sep.	74.64	21.16
Lafayette Co.	37.79	8.12
Lamar Co.	52.82	43.22
Lauderdale Co.	62.34	34.28
Laurel Sep.	79.63	36.33
Lawrence Co.	57.01	23.14
Leake Co.	48.85	17.37
Lee Co.	21.67	7.67
Leflore Co.	175.38	9.52
Leland	113.02	24.99
Lincoln Co.	68.51	26.06
Long Beach Sep.	138.38	—
Louisville-Winston	47.82	7.64
Lowndes Co.	64.03	8.53
Lumberton Cons.	85.47	16.09
Madison Co.*	171.24	4.35
Marion Co.	42.91	19.10
Marshall Co.	69.56	8.91
McComb Sep.	61.51	18.85
Meridian Sep.	116.58	63.11
Monroe Co.	44.11	6.20
Montgomery Co.	48.73	6.71
Moss Point Sep.	86.63	43.30
Natchez-Adams	131.84	49.38
Neshoba Co.	21.16	7.12
Nettleton Line	26.81	1.58
New Albany	55.93	13.42
Newton Co.	67.42	17.98

[fol. 951]

District	White	Negro
Newton Sep.	81.23	19.83
North Panola Cons.	104.28	1.76
North Pike	30.89	.76
North Tippah Co.	35.14	.00
Noxubee Co.	113.29	1.21
Oakland Cons.	104.03	6.15
Ocean Springs Sep.	78.26	84.08
Okolona Sep.	72.39	14.54
Oktibbeha Co.	103.87	8.91
Oxford Sep.	69.42	30.67
Pascagoula Sep.	102.88	45.64
Pass Christian Sep.	127.98	78.50
Pearl River Co.	61.70	—
Perry Co.	98.98	38.51
Philadelphia Sep.	85.05	30.33
Picayune Sep.	74.54	26.48
Pontotoc Co.	34.75	13.59
Pontotoc Sep.	78.91	—
Poplarville Sep.	57.96	18.69
Prentiss Co.	33.88	19.88
Quitman Cons.	60.70	13.48
Quitman Co.	90.28	8.41
Rankin Co.	72.71	14.78
Richton Sep.	52.09	14.41
Scott Co.	31.55	10.95
Senatobia Sep.	65.08	10.74
Sharkey-Issaquena	18.75	25.74
Simpson Co.	41.42	8.97
Smith Co.	54.34	20.43
South Panola	59.55	1.35
South Pike	101.92	10.55
South Tippah	32.40	—
Starkville Sept.	78.00	19.11
Stone Co.	60.27	13.03
Sunflower Co.	127.36	11.49
Tate Co.	67.08	5.84
Tishomingo Co.	41.06	2.70
Tunica Co.	172.80	5.99
Tupelo Sep.	96.87	31.41
Union Co.	26.68	7.86
Union Sep.	47.62	7.24
Vicksburg Sep.	124.33	24.17
Walthall Co.	48.08	10.55
Warren Co.	101.66	10.62
Water Valley	53.44	2.75
Wayne Co.	62.76	8.69
Webster Co.	34.62	11.56
Western Line	198.74	52.27
West Jasper	55.71	9.87
West Point Sept.	51.26	11.91
West Tallahatchie	141.95	13.47
Wilkinson Co.	80.76	1.28
Winona Sep.	70.95	12.92
Yazoo Co.	245.55	2.92
Yazoo City Sep.	98.43	35.64

[fol. 952] 5. Every school district in Mississippi in 1954-1955 spent more money for the education of white children than for the education of Negro children.²⁵

County and Separate District	White Per Pupil Cost	Negro Per Pupil Cost
Adams	\$235	\$ 84
Natchez	194	138
Alcorn	109	77
Corinth	146	117
Holly	77	
Rienzi	121	
Amite	180	88
Attala	151	82
Kosciusko	167	96
Benton	188	79
Bolivar	206	73
Calhoun	131	111
Carroll	189	84
Chickasaw	187	84
Houston	156	91
Okolona	181	111
Choctaw	165	108
Claborn	396	97
Port Gibson	186	87
Clarke	167	92
Clay	202	81
West Point	164	101
Coahoma	226	84
Clarksdale	226	91
Copiah	168	76
Hazlehurst	168	85
Covington	154	122
DeSoto	219	51
Forrest	156	130
Hattiesburg	165	110
Franklin	175	110
Knoxville		111
White Apple		209
George	159	107
Greene	168	98
Grenada	207	87
Grenada	159	95
Hancock	156	61
Bay St. Louis	187	138
Waveland	189	
Harrison	141	84
Biloxi	191	141
Fernwood	163	
Gulfport	187	124
Long Beach	227	103
Mississippi City	158	100
Pass Christian	186	105

²⁵ E-O-39 *A Report to the People of Mississippi on the White House Conference on Education*, Bulletin No. 140 (1955), State of Mississippi Department of Education, pp. 53-56.

[fol. 953]

County and Separate District	White Per Pupil Cost	Negro Per Pupil Cost
Hinds	163	93
Jackson	217	157
Holmes	222	70
Durant	185	98
Lexington	231	97
Humphreys	190	91
Issaquena		153
Itawamba	113	94
Jackson	142	138
Lyon	172	146
Moss Point	175	125
Ocean Springs	155	111
Pascagoula	182	148
Jasper	171	92
Jefferson	206	67
Jefferson Davis	185	96
Jones	144	136
Ellisville	137	93
Laurel	156	85
Ovett	125	122
Kemper	175	75
Scooba	222	72
Lafayette	155	93
Oxford	171	112
Lamar	142	72
Lauderdale	155	102
Meridian	211	125
Lawrence	164	104
Leake	169	104
Lee	127	87
Baldwyn	129	72
Tupelo	169	114
Leflore	202	76
Greenwood	187	125
Lincoln	198	115
Brookhaven	151	108
Lowndes	149	82
Columbus	178	111
Crawford	197	51
Prairie	440	45
Madison	324	88
Canton	160	78
Flora	210	
Madison-Ridgeland	264	55
Marion	140	141
Columbia	144	110
Marshall	180	79
Holly Springs	167	
Monroe	136	97
Aberdeen	147	85
Amory	148	116
Prairie	312	69
Montgomery	155	101
Winona	161	59
Neshoba	137	
Philadelphia	175	114

[fol. 954]

County and Separate District	White Per Pupil Cost	Negro Per Pupil Cost
Newton	158	74
Newton	191	136
Union	158	82
Noxubee	191	64
Macon	199	78
Oktibbeha	176	83
Starkville	175	100
Panola	162	75
Como	236	76
Sardis	213	99
Pearl River	151	79
Picayune	174	96
Poplarville	151	110
Perry	163	114
Richton	151	75
Pike	166	79
Fernwood	158	98
Magnolia	183	81
McComb	148	104
Osyka	171	63
Summit	174	69
Universal	273	93
Pontotoc	134	108
Pontotoc	159	
Prentiss	124	92
Quitman	183	79
Marks	142	101
Rankin	159	69
Scott	177	109
Forest	163	123
Sharkey	238	106
Simpson	156	106
Braxton	179	
D'Lo	200	
Smith	133	122
Stone	156	111
Sunflower	195	81
Drew	178	90
Indianaola	180	90
Ruleville	210	85
Tallahatchie	196	94
Glendora	600	53
Sumner	205	80
Tutwiler	237	58
Tate	187	76
Coldwater	207	52
Senatobia	167	45
Tippah	134	74
Ripley	129	97
Tishomingo	112	98
Iuka	119	87
Tunica	267	67
Union	120	90
New Albany	170	116
Walthall	158	82
Tylertown	161	86

(fol. 955)

	* County and Separate District	White Per Pupil Cost	Negro Per Pupil Cost
Warren		179	87
Vicksburg		172	92
Washington		231	109
Greenville		209	87
Wayne		157	76
Webster		142	103
Wilkinson		201	56
Winston		155	82
Louisville		162	99
Yalobusha		155	83
Yazoo		217	91
Yazoo City		178	106
County Average	\$161	\$ 87
Separate District Average	181	106

6. White school children have longer school terms than
Negro school children

	1930-31 ²⁶	
	Length of Term in Days	
White		165
Negro		119
	1961-62 ²⁷	
	Number of Schools	
	8 Month Terms	9 Month Terms
White	2	637
Negro	103	399

²⁶ E-O-8. *Twenty Years of Progress 1910-30 and a Biennial Survey Scholastic Years 1929-30 and 1930-31 of Public Education in Mississippi*, p. 136.

²⁷ E-O-75 *Statistical Data School Session 1961-62*, Mississippi State Department of Education, Division of Administration and Finance, p. 16.

[fol. 956] 7. In 1910 the State of Mississippi decided that consolidation of small rural schools would provide better education for children.²⁸

- (a) Between 1910 and 1930 white schools were consolidated and Negro schools were not.

	1930-31 ²⁹	
	No. Consolidated Schools	No. Unconsolidated Schools
White	959	789
Negro	16	3,484

- (1) If the teacher is only responsible for one or at the most two grades, it is easier to secure a good teacher with professional training than in a one-room country school.
- (2) The economy of the consolidated school makes a longer school term possible.
- (3) Pupils are far more interested in school and therefore attend more frequently and remain in school and go on to high school.
- (4) The entire curriculum can be enriched.
- (5) The school building will be much superior.
- (6) "Consolidation offers the bases for the solution of more of the rural school problems than anything that has yet been offered. It is the only way of securing really good country schools. It is the only school that proposes to educate the country boy throughout high school without disturbing his home relations or taking him out of it".

E-9-5 *Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi for the Scholastic Years 1909-10 and 1910-11*, pp. 25-28.

²⁸ The biennial report of the State Superintendent of Public Education in Mississippi for 1909-11 cited a number of advantages for consolidation including:

²⁹ E-0-8 *Twenty Years of Progress, 1910-30 and A Biennial Survey for the Scholastic Years 1929-30 and 1930-31 of Public Education in Mississippi*, pp. 51, 53.

- (b) In 1930-31 Negro children in Mississippi still went to schools where one or two teachers taught all grades.

	1930-31 ³⁰	
	One-Teacher Schools	Two-Teacher Schools
White	515	202
Negro	2,411	832

- [fol. 957] (c) Real consolidation of Negro schools did not begin until after the United States Supreme Court's decision in *Brown v. Board of Education*—40 years after the consolidation of white schools.

	Number of One-Teacher Schools ³¹	
	1952-53	
White		42
Negro		1,077
	1953-54	
White		48
Negro		1,040
	1956-57	
White		20
Negro		504
	1958-59	
White		1
Negro		295
	1961-62	
White		1
Negro		47

³⁰ E-0-8 *Twenty Years of Progress 1910-30 and A Biennial Survey for the Scholastic Years 1929-30 and 1930-31 of Public Education in Mississippi*, p. 51.

³¹ E-0-75 *Statistical Data School Session 1961-62*, Division of Administration and Finance, Mississippi State Department of Education, p. 32.

8. At all times in Mississippi, secondary education has been made available to more white children than Negro children.³²

	Number of Secondary Schools	Enrollment
	1930-31	
White	706 ³³	49,742 ³³
Negro	46 ³⁴	5,012 ³³
	1952-53 ³⁵	
White	474	61,323
Negro	285	26,667
	1961-62 ³⁵	
White	354	77,694
Negro	198	48,798

³² [fol. 958] Yet there have always been more Negro than white children of school age. See paragraph B.

³³ E-0-8 *Twenty Years of Progress 1910-30 and A Biennial Survey for the Scholastic Years 1929-36 and 1930-31 of Public Education in Mississippi*, pp. 17, 124, 129.

³⁴ E-0-37 *A Report of the Committee of Investigation of the Teacher Training Facilities for Negroes in Mississippi*, Bulletin No. 61, State of Mississippi Department of Education (1930), p. 26.

³⁵ E-0-75 *Statistical Data School Session 1961-62*, Division of Administration and Finance, State of Mississippi Department of Education, pp. 6, 32.

[fol. 959] 9. At all times more white high schools than Negro high schools are accredited by the State of Mississippi and regional accrediting associations.

	State Accredited		Regional Accreditation	
	Number	% of high schools 1943-44	Number	% of high schools
White	315 ³⁶	56.5%	87 ³⁸	15.6%
Negro	20 ³⁷ (figures not available)		(figures not available)	
		1947-48 ³⁸		
White	292	50.7%	91	16.6%
Negro	37	29.6%	8	6.4%
		1949-50 ³⁹		
White	303	63.1%	91	18.9%
Negro	55	37.2%	7	4.7%
		1954-55 ⁴⁰		
White	(figures not available)		93	91.9%
Negro			7	4.2%
		1959-60 ⁴¹		
White	404	(figures not available)	96	(figures not available)
Negro	176		7	

[fol. 960] ³⁶ E-0-15 *Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi for the Scholastic Years 1943-44 and 1944-45*, p. 26.

³⁷ E-0-29 *Mississippi Blue Book: Biennial Report of the Secretary of State to the Governor and Legislature of Mississippi (1943-45)*, p. 49.

³⁸ E-0-30 *Mississippi Blue Book: Statistical Register of the State of Mississippi (1945-49)*, p. 80.

³⁹ E-0-31 *Mississippi Official and Statistical Register (1949-51)*, p. 117.

⁴⁰ E-0-32 *Mississippi Official and Statistical Register (1956-60)*, p. 183.

⁴¹ E-0-33 *Mississippi Official and Statistical Register (1960-64)*, p. 202.

1960-61 ⁴³

*Accredited Status of All Schools

	White	Negro
Elementary	562	642
Jr. High	48	29
High	322	190

State Accreditation

	Number	Percent
	White	Negro
Elementary	545	285
Jr. High	48	26
High	322	145
	White	Negro
	96.9%	44.3%
	100.0%	89.7%
	100.0%	76.3%

Regional Accreditation

	Number	Percent
	White	Negro
Elementary	150	66
Jr. High	2	0
High	89	7
	White	Negro
	26.7%	10.3%
	3.4%	0%
	27.6%	3.7%

[fol. 961] D. The Public Higher Education Provided for Negroes Is Inferior to That Provided for Whites in Mississippi.

1. At all times more junior colleges have been provided for white students than for Negro students

	Number	Enrollment
	1936-37 ⁴⁴	
White	11	3,012
Negro	0	0
	1949-50 ⁴⁴	
White	14	4,971
Negro	1	26

⁴² E-0-23 *Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi for the Scholastic Years 1959-60 and 1960-61*, p. 137.

⁴³ E-0-11 *Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi for the Scholastic Years 1935-36 and 1936-37*, p. 50.

⁴⁴ E-0-18 *Biennial Report and Recommendation of the State Superintendent of Public Education to the Legislature of Mississippi for the Scholastic Years 1949-50 and 1950-51*, p. 48.

	1954-55 ⁴⁵	
White	14	6,233
Negro	1	217
	1960-61 ⁴⁶	
White	14	9,269
Negro	3	843

2. At all times more senior colleges have been provided for white students than for Negro students

	Number	Enrollment
	1935-45 ⁴⁷	
	Average Annual Enrollment	
White	5	5,145
Negro	2	466
	1953-54 ⁴⁸	
White	5	12,061
Negro	3	1,872
	1960-61 ⁴⁹	
White	5	14,435
Negro	3	2,990

[fol. 962] ⁴⁵ E-0-20 *Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi for the Scholastic Years 1953-54 and 1954-55*, p. 31.

⁴⁶ E-0-23 *Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi for the Scholastic Years 1959-60 and 1960-61*, p. 144.

⁴⁷ E-0-43 *Mississippi Study of Higher Education 1945*, Board of Trustees, *Institutions of Higher Learning of Mississippi*, Joseph E. Gibson, Director, pp. 72-74.

⁴⁸ E-0-20 *Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi for the Scholastic Years 1953-54 and 1954-55*, pp. 102, 106.

⁴⁹ E-0-51 *Public Education in Mississippi: Reports of Advisory Study Groups (Volume II) Institutions of Higher Learning to the Legislature Education Study Committee*, 1961, p. 26.

[fol. 963] 3. A much wider variety of courses and degrees are offered to the white than to the Negro college students of Mississippi in 1960-61.⁵⁰

White

University of Mississippi

College of Liberal Arts Offers:

- a. Bachelor of Arts degree in 24 fields
- b. Bachelor of Science in 5 fields
- c. Bachelor of Music
- d. Bachelor of Fine Arts

School of Engineering Offers:

Bachelor's degree in 5 fields

School of Education Offers:

- a. Bachelor's degree in 3 fields
- b. Special programs of study in 5 areas

School of Commerce and Business Administration Offers:

- a. Bachelor of Business Administration
- b. Bachelor of Public Administration
- c. Bachelor of Science in Journalism
- d. Bachelor of Science in Commerce

Mississippi State University

School of Arts and Sciences offers training in about 16 fields

School of Agriculture composed of 9 departments

School of Education composed of 5 departments

Mississippi Southern College

School of Education

School of Arts and Sciences

School of Commerce and Business Administration

Division of Fine Arts

Division of Home Economics

Negro

Jackson State College

Offers the Bachelor of Science and the Bachelor of Arts degrees in 11 fields and provides preprofessional preparation in 5 fields.

Alcorn A.&M. College

Offers the Bachelor of Science degree in about 20 fields.

Mississippi Vocational College

Offers the Bachelor of Science degree in 12 fields.

⁵⁰ E-0-51 *Public Education in Mississippi: Reports of Advisory Study Groups (Vol. II) Institutions of Higher Learning 1961*, pp. 71-75.

[fol. 904]

White

Negro

Mississippi state college for
Women

Offers 5 Bachelor degrees in 19 fields

Delta State College

Offers Bachelor degrees in 10 fields

4. Until September 1962 white students in Mississippi had graduate and professional schools and Negro students did not.⁵¹

White

Negro

University of Mississippi

Jackson State College

School of Law
School of Medicine^o
School of Pharmacy
School of Nursing

The Division of Graduate Studies
offers a Master of Science in
Education degree for principals
and supervisors only.

Graduate School offers:

- a. Master's degree in more than 30 fields
- b. Doctor of Philosophy degree in 7 fields

Mississippi State University

5 Professional Schools Graduate School
offers:

- a. Master's degree in about 30 fields
- b. Doctor of Philosophy degree in 5 fields

Mississippi Southern College

Graduate School offers:

- a. Master's degree in 12 fields
- b. Doctor of Philosophy and Doctor of Education degrees in about 7 fields

⁵¹ E-0-51. *Public Education in Mississippi: Reports of Advisory Study Groups (Volume II) Institutions of Higher Learning 1961*, pp. 71-74.

[fol. 965] 5. Mississippi's public institutions of higher learning granted more degrees and in a greater variety of fields in 1959-61 to white students than to Negro students.⁵²

	Bachelors	Masters	Doctors	Fields of Learning
White	5,584	1,480	16	43
Negro	1,420	10	0	12

E. The State of Mississippi Has Always Recognized That the Public Education Provided for Negroes Has Been Inferior to That Provided for Whites.

1. Officers of the State Government have recognized that the public educational facilities provided for Negroes were inferior to those provided for whites.

a. Governor Vardaman (1907).

Here is what I promised to do. I said if you elect me Governor and elect a legislature in sympathy with me that I would submit to the people of Mississippi an amendment to the State Constitution which would control the distribution of a public school fund so as to stop the useless expenditure in the black counties.

Let's see whether I kept my promise. In my inaugural address, I devoted the greater part of it to that. The only time I ever got a chance to urge against Negro education as I wanted to without impairing the white schools was when a legislature passed a bill providing money to that Negro school in Holly Springs which was sent to me signed by the President of the Senate and the Speaker of the House. Did I sign it? No. I killed the bill and I killed the school.⁵³

⁵² E-0-50 Biennial Report of the Board of Trustees of State Institutions of Higher Learning from 1959 to 1961 to the State Legislature, State of Mississippi, p. 18.

⁵³ E-0-78 Speech of Governor Vardaman of Mississippi quoted in the Jackson Mississippi Daily Clarion-Ledger, July 11, 1907.

b. Governor Wright (1950).

We face a serious problem in the matter of providing comparable educational opportunities for the two races in our State. As a matter of fact, this problem is composed of several phases. One of them deals with salary adjustments. A plan was proposed and submitted to the teachers this past summer. They voted it down. It is now necessary to prepare another plan, [fol. 966] and I understand that a great amount of study has been given to this by the members of the Mississippi Education Association, the Association of County Superintendents, and the State Department of Education. Proposals will be submitted to the Legislature in due time embracing the principles subscribed to by these groups.

Another phase of this problem deals with transportation, and another with building facilities. In fact, in order to accomplish some of the objectives to which our attention and efforts must be directed, we may have to reshape our plans and reform our thinking in order that all of the children of all of the people may have the opportunity to develop their abilities to the maximum.

I recommend that legislation be enacted providing for the equalization of teachers' salaries based upon qualifications, and removing any discrimination as between the races.

Second, I urge that a program be enacted providing for equal facilities between the races recognizing that children of both races are entitled to equal opportunities, but I will insist, as I believe the thinking people of both races in the State would insist, that this program provide for segregated educational facilities.⁵⁴

⁵⁴ E-0-79 Message by Governor Fielding L. Wright to the Joint Session Mississippi Legislature, January 3, 1950.

c. Governor White (1953).

It is true that there is a wide variation in educational opportunities between the races.⁵⁵

2. Every two years the State Superintendent of Public Education in Mississippi reports to the Mississippi legislature. Every such report transmitted to the legislature has shown that the public education provided for Negroes has been inferior to that provided for whites.

Following are excerpts from some of these biennial reports:

In many counties, particularly in rural areas, negro children are forced to attend school in mere shacks or in church houses. . . .⁵⁶

[fol. 967] Consolidation has done away with practically all of the one and two-teacher schools. In fact, this year there are less than ten percent of the white children of the rural districts attending these old type schools. The other ninety percent have the advantage of modern high schools, in many of which, not only the college preparatory course is given but also work in vocational agriculture, home economics and business training. . . .

E-0-7 *Biennial Report 1929-31*, p. 11.

83 percent of all colored children enrolled in school were in open country rural schools, the great majority of which were of the one and two teacher type so

⁵⁵ E-0-80 Message from Governor White to the Senate of Mississippi—1953 Extraordinary Session *Senate Journal*, p. 970.

⁵⁶ The full title of this document is *Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi for the Schoolastic Years 1929-30 and 1930-31*, p. 45—E-0-7. Hereafter, all such reports will be referred to as *Biennial Report* for the particular years covered therein.

common in Mississippi in both races prior to 1910.⁵⁷ 98.3 percent of all children in schools for the colored race were in grades one to eight inclusive, and 1.7 percent in grades nine to twelve. The great majority of colored children never get beyond the sixth grade.

E-0-8 *Twenty Years Progress*, p. 130.

It was reported that a factor in the disbursement of the state per capita fund which creates and magnifies inequality in financial support is:

The fact that we spend less money in Mississippi per child in the schools for the negro race than in the schools for the white race.⁵⁸ The ratio between the amount per child for the white race and for the negro race among the counties ranges from two to one in some counties to more than ten to one in other counties. In counties with large negro population and small white population the state per capita fund provides a larger part of the actual school expenditures than in counties with large white population and small negro population. . . . Consequently, inequalities from state sources are magnified by the per capita school census basis for disbursement.

E-0-8 *Twenty Years Progress*, p. 107.

[fol. 968] In spite of the fact that about fifty-four percent of the total educable population of the state is negroes, there is only one higher institutions of learning maintained by state support. This is Alcorn College at Alcorn, Mississippi. Some of the best trained teachers in colored schools come from this institution, but obviously it is far and away from meeting the needs of the state in the business of training an adequate supply of teachers.

⁵⁷ The full title of this document is *Twenty Years of Progress 1910-1930 and A Biennial Survey Scholastic Years 1929-30 and 1930-31 of Public Education in Mississippi*, issued by W. F. Bond, State Superintendent of Education, p. 121—E-0-8. Hereafter, all such reports will be referred to as *Twenty Years' Progress*.

E-0-8 *Twenty Years' Progress*, p. 24.

The quality of work done in the school room by the majority of negro teachers would not rank very high when measured by any acceptable minimum known to the leaders in educational thought. There is a growing sentiment among the white people and the negroes in Mississippi favorable to improvement in school plants, in the training of negro teachers which will guarantee a better quality of work in the school-rooms for the negro race.

E-0-8 *Twenty Years' Progress*, p. 90.

The [Negro] teaching force, numbering 5,863 teachers has an average of 50 enrolled pupils each. This average situation is rarely ever found, for teachers in the lower grades frequently have in their charge from seventy-five to one hundred and fifty pupils. In a great many cases these teachers are forced to teach double sessions each day—one group in the forenoon and a totally different group in the afternoon. . . . Of the 3,753 Negro schoolhouses in Mississippi, 2,313 are owned by public school authorities. The other 1,440 schools are conducted in churches, lodges, old stores, tenant houses, or whatever building is available. Last winter, with the aid of the CWA, a considerable number of the best buildings were repaired. Up to the present time there has been only one PWA Negro school project. It is a farm shop building at the Hope-well School in Covington County. One of the great difficulties in getting Federal aid for these buildings is the lack of local funds for meeting the requirements of the government. The Negroes themselves, in some cases, are building and repairing their schoolhouses out of their own meager savings and with their own labor.

[fol. 969] School buildings need to be erected to displace the many little shanties and churches now being used. . . .

E-0-10 Biennial Report 1933-35, p. 41.

There is also dire need for school furniture and teaching materials—comfortable seating facilities, stoves, blackboards, erasers, crayon, supplementary reading materials, maps, flash cards, and charts.

In many of the 3,763 colored schools of the State there is not a decent specimen of anyone of the above mentioned items. In hundreds of rural schools there are just four blank, unpainted walls, a few old rickety benches, an old stove propped up on brickbats, and two or three boards nailed together and painted black for a blackboard. In many cases, this constitutes the sum total of the furniture and teaching equipment.

E-0-10 Biennial Report 1933-35, p. 41.

High school advantages for Negroes in Mississippi are very meager. Ninety-four percent of the educable Negro population of high school age is not in school. . . . There are twenty-eight counties in Mississippi which do not have any recognized high school facilities for Negroes. Fifteen counties make absolutely no provision whatever for high school training of Negro children. Of the fifty-four recognized four-year high schools for Negroes fifteen are privately owned and supported. . . . Only eighteen Negro high schools in Mississippi have been given any recognition by the State High School Accrediting Association. Three Negro high schools are accredited by the Southern Association of Colleges and Secondary Schools. . . .

E-0-11 Biennial Report 1935-37, p. 13.

Of course, everyone knows that there is a long distance to go yet before an adequate system for the training of the colored youth of the state can be provided; yet it should be said that there is more interest in this question and that definite progress is now being made. . . . The most urgent need in the field of Negro education is for trained teachers. Without trained teachers, any worthwhile educational program is impossible. The facilities for training teachers, both public and private, now available are wholly inadequate. . . .

E-0-11 *Biennial Report 1935-37*, p. 15.

Of course, everyone knows that there is a long distance to go yet before an adequate system for the training of the colored youth of the state can be provided; yet, it should be said that there is more interest in this question and that definite progress is now being made.

E-0-12 *Biennial Report 1937-39*, p. 18.

[fol. 970] *Negro Salaries.* At the beginning of the biennium, the State Board of Education set up a salary schedule of \$28 per month for a six months term, or a total of \$170.00 per year per teacher. In some counties, however, the salaries have averaged less than this amount. It is obvious that the salary problem is one of our real problems in the colored schools in Mississippi. Teachers cannot live on this small salary and maintain any sort of decent standard of living. Many teachers have dependants, and the small salaries and short terms make it compulsory that they earn a part of their living by engaging in some other type of work, usually farming or domestic service. As a consequence, many of our best teachers have gone into other sections of the country or into other lines of work where remuneration is more liberal.

E-0-12 *Biennial Report 1937-39*, p. 16.

... 99.7% of the white children had the opportunity to attend eight months the past session. ... During the past biennium improvement was made in the length of school terms for [Negro] rural schools. In most of the counties the term ran for six months, but in a few counties the term was four or five months. The term in separate districts was eight or nine months. In an effort to maintain longer school terms in rural areas, colored patrons frequently provide funds from their own meager resources for this purpose.

E-0-12 *Biennial Report 1937-39*, pp. 9, 16.

It is felt very definitely that the Negro schools in Mississippi are now on the upgrade. Of course, everyone knows there is a long distance to go yet before an ade-

quate system for the training of the Negro youth of the state can be provided; yet, it should be said that there is more interest in this question and that definite progress is now being made.

E-0-13 *Biennial Report 1939-41*, p. 18.

There are 3,737 Negro schools in Mississippi. Of this number approximately 1,500 are housed in churches, tenant houses, or any other type of building available. One of the most pressing needs in Mississippi today is provision either by the state, by the county, or by both, of funds to revamp Negro schoolhouses. A few counties have put on county levies for this purpose; but this has been a very slow process. Schoolhouses need not be elaborate, but they should at least be sanitary, comfortable and adequate.

E-0-15 *Biennial Report 1943-45*, pp. 21-22.

[fol. 971] There are 3,345 Negro public schools in Mississippi. Nearly half of these schools are housed in churches, tenant houses, or any other type of building available. In such schools the equipment is nil. . . .

E-0-16 *Biennial Report 1945-47*, p. 41.

In view of the present sociological conditions, race relations are extremely good in Mississippi. This is true largely because of mutual cooperation and understanding between the races in their attempt to equalize educational facilities. The building program is progressing very well in most counties; however, classroom needs in many cases have been under-estimated. Consequently space that has been provided for libraries and auditoriums is being used for classrooms. In many districts, the necessary amount of teaching materials and equipment is not being placed in the new buildings. Therefore, many of the new schools will not be able to meet the standards of the Mississippi Accrediting Commission. In order for good relationships to continue between the races, the people of Mississippi, both white and Negro, must work toward getting all communities to meet the responsibility of truly equalizing facilities. . . . The fact that public schools for Ne-

groes have been poor in the past also has a direct bearing on the quality of instruction being done. . . .

E-0-21 *Biennial Report 1955-57*, pp. 40, 41.

Recommendations

The most important immediate needs in regard to Negro education are as follows:

Continued work toward equal facilities. In view of the present sociological conditions, race relations are extremely good in Mississippi. This is true largely because of mutual cooperation and understanding between the races in their attempt to equalize educational facilities. The building program is progressing very well in most counties; however, classroom needs, in many cases, have been underestimated. Consequently, space that has been provided for libraries and auditoriums is being used for classrooms. In many districts, the necessary amount of teaching materials and equipment is not being placed in the new buildings; therefore, many of the new schools will not be able to meet the standards of the Mississippi Accrediting Commission. In order for good relationships to continue between the races, the people of Mississippi, both white and Negro, must work toward getting all communities to meet the responsibility of truly equalizing facilities.

Graduate training for teachers. The principals' training program at Jackson State College is the only graduate work available to Negro school people in Mississippi, and this program is limited to a small number of principals and supervisors. In order for [fol. 972] Negro teachers to further their education beyond the bachelor's degree, it is necessary for them to leave the State.

Since there is such a great demand on the part of Negro teachers for advanced college work, it seems particularly desirable that graduate training for principals, elementary and high school teachers be provided by Mississippi Negro institutions. Considering the large number of Negro teachers desiring graduate training and the wholesome influence of such training on the schools of Mississippi, it is highly probable that

this training could be provided on a more economical basis than adequate out-of-state tuition. Certainly, the quality and type of training provided by our own state institutions would more nearly meet the needs of Mississippi schools. Of course, out-of-state tuition will continue to be necessary for those students desiring to study in fields other than the teaching profession.

Negro person to work with Negro elementary schools. Since the Southern Education Foundation is no longer financially able to contribute to the support of a special consultant in Negro elementary education, a Negro person who is well qualified in elementary education and who has demonstrated his ability to work with both white and Negro people should be employed by the State as an assistant to the coordinator of Negro education. Such a person is needed because: (1) There is a great need for additional state leadership in Negro elementary education, (2) Many elementary teachers are not fully qualified and need guidance and direction, (3) Better interpretation of Negro elementary school needs can be effected through the work and advice of a well-qualified Negro person, (4) The employment of such a person will do much to instill confidence between the races, (5) A good Negro person can work effectively with Negro elementary teachers because of mutual understandings.

Local supervision of classroom teaching. For approximately 50 years the Southern Education Foundation has contributed financially to the support of supervision in the Negro schools of the South. Through the years the Foundation has gradually withdrawn its support from this program. At present, the various counties receive very little assistance. If this important service is to be continued, it will be necessary for the State to assume a greater financial responsibility for its support. The need for supervision in instruction is obvious when it is realized that only sixty-three per cent of the Negro teachers in Mississippi hold an "A" class teachers' certificate. The fact that public schools for Negroes have been poor in the past also has a direct bearing on the quality of instruction being done. If the state of Mississippi is to receive just value in

return for money expended for teachers' salaries, supervision of instruction is a necessity.

E-0-22 *Biennial Report 1957-59*, pp. 40, 41.

[fol. 973] I strongly recommend that sufficient funds be budgeted during the next biennium to allow equal amounts to be allocated according to the density formulas for Negro and white transportation. Our best estimates indicate that approximately \$1,200,000 annually would be needed to close the gap that now exists between white and Negro allocations.

E-0-23 *Biennial Report 1959-61*, p. 23.

There was also a serious shortage of textbooks in some of the Negro schools.

E-0-23 *Biennial Report 1959-61*, p. 138.

There is also a *critical* need for a State Supervisor of Elementary Education for Negro Schools.

E-0-23 *Biennial Report 1959-61*, p. 155.

3. Special studies of education in Mississippi have been authorized at various times by the Mississippi Legislature, by the State Superintendent of Public Schools and by other public educational authorities in Mississippi. These studies have shown that the education provided for Negroes is inferior to that provided for whites in Mississippi.

Following are excerpts from some of these studies:

The buildings are usually poorly planned. Often churches are used for school purposes and are not adapted to instructional needs. In many instances the buildings are not well kept. . . .

In most of the rural schools, the desks are poor, not adjusted to the children, often double and perhaps in one-half the cases no desks at all. Usually in churches the benches are used for seats. . . .

The blackboards are entirely inadequate, often painted boards and in many cases oil cloth stretched along the walls are the makeshifts for blackboards. Most frequently, the amount of blackboard space is

entirely inadequate. Usually, there are no erasers. It is hard to imagine how any work at all can be done under such conditions.

E-0-37 *A Report of the Committee of Investigation of the Teacher Training Facilities for Negroes in Mississippi*, Bulletin No. 61 (1930) State of Mississippi Department of Education, p. 12.

In view of the fact that only approximately thirty-two four-year high schools for Negroes, half of which number are privately maintained, are to be found in the entire state of Mississippi, it naturally follows that the actual need for college buildings is not extensive. . . .

E-0-37 *A Report of the Committee of Investigation of the Teacher Training Facilities for Negroes in Mississippi*, Bulletin No. 61 (1930) State of Mississippi Department of Education, p. 29.

[fol. 974] Although the State has made noticeable strides during the past decade in the education of its Negro citizens on all levels, the goal of equality is still very distant. Action is already under way to hasten progress. . . .

The quantity and quality of higher education is so inextricably bound to that on the lower level, particularly the secondary level, that it is not possible to consider inequalities in higher education at the exclusion of others. Opportunities for the Negro youth to get the basic secondary school training necessary for college admission have been considerably less than for the white youth of the State.

E-0-46 *Higher Education in Mississippi: A Survey Report to the Board of Trustees, Institutions of Higher Learning* (1954), John B. Brewton, Director, p. 146.

Even greater inequalities exist in the area of higher education. . . . The State provides, through the University of Mississippi and other state colleges, ample opportunities for white students to pursue graduate and professional study; but the Negro student has been compelled to go outside the State for this service.

... These inequalities in opportunities contribute to the scarcity of Negroes in the professions.

E-0-46 *Higher Education in Mississippi: A Survey Report to the Board of Trustees, Institutions of Higher Learning (1954)*, John E. Brewton, Director, pp. 148, 149.

Curricular offerings in areas considered to be urgent for national defense have not kept pace with such demands in the Mississippi high schools for Negroes. Less than five per cent of the high schools offered courses in modern foreign languages. Areas of critical shortage in the teaching personnel were modern languages, speech, physics, and chemistry. The situation is more acute due to the fact that opportunities for training teachers in such fields are limited at the undergraduate level and totally unavailable to the teaching force within the state at the graduate level.

E-0-41 *Public Education in Mississippi: Report of Mississippi Legislative Education Study Committee December, 1961*, p. 118.

Findings in this study indicate that higher education for Negroes in Mississippi is handicapped by restricted budgets and curricular offerings. Major emphasis in the past has been concerned with serving the needs of rural Mississippi. The schools now face the problems of expanding their programs to include more course offerings for pre-professional and professional students. . . .

E-0-41 *Public Education in Mississippi: Report of Mississippi Legislative Education Study Committee December, 1961*, p. 121.

[fol. 975] Enrollments in both [Negro] junior and senior colleges have grown steadily over the past ten year period. Although budgets for higher education are still inadequate, they, too, have shown steadily increases; however, the increases have not been sufficient to cope with the increasing enrollment and expanding curricular offerings, and higher cost of living.

E-0-41 *Public Education in Mississippi: Report of Mississippi Legislative Education Study Committee December, 1961, p. 122.*

The Legislature and the Board should give considerable emphasis to providing Jackson, Alcorn, and Mississippi Vocational College with the funds and assistance needed to qualify them for full membership in the Southern Association of Colleges and Secondary Schools. Colleges presently admitting Negro students are in a difficult position, since the Southern Association of Colleges and Secondary Schools has discontinued the separate accrediting of colleges admitting only Negro students, and is applying its regular standards to such colleges.

E-0-41 *Public Education in Mississippi: Report of Mississippi Legislative Education Study Committee December, 1961, p. 102.*

... With the exception of the work toward a Master's degree for principals and supervisors at Jackson State College, no graduate work is at present available to Negro students within the state. This is a severe unmet need, which cannot be satisfied even by building another institution. The costs would be overwhelming, and the difficulties of gathering a satisfactory faculty almost insuperable.

E-0-51 *Public Education in Mississippi: Report of Advisory Study Groups (Volume II) Institutions of Higher Learning, 1961, pp. 78, 79.*

Special School Surveys

In 1949 a study was made of the educational provisions for Negro children in Sunflower County. In the same year a study was made of education in both the white and Negro schools of the Holly Springs Separate School District, Holly Springs, Mississippi. Following are excerpts from these studies.

[fol. 976] **The Education of Negroes in Sunflower County**

Introduction

In February 1949, an inter-racial Citizens Committee was formed in Sunflower County to investigate the education of Negro children in that county. The Citizens Committee selected the Bureau of Educational Research, School of Education, University of Mississippi, to conduct the study. The results of the study were published by that Bureau in March 1950 under the title, *The Report of a Study of the Education for Negroes in Sunflower County, Mississippi* (Bureau of Educational Research, School of Education, University of Mississippi: March 1950).

This report began by discussing a similar study conducted in Sunflower County in 1936-37 which had recommended, among other things, that 81 out of 105 Negro schools in the county be abandoned and had stated:

This recommendation is made in the light of the following facts: the colored schools of Sunflower County as they now exist, are in deplorable condition; the schools that are now being used are not owned by the County Board of Education; many of the schools that the Committee recommends to be retained are in need of repairs; there is a decided lack of equipment in the schools; and finally this program will enable the County to give to its colored population the needed facilities for carrying on a worthwhile education program. Ray L. Hamon and Ullin W. Leavell, *Sunflower County Survey 1936-37*. (A typewritten report), p. 62, quoted in the *1950 Report* at pp. 8-9.

This was 1936-37. In 1950, the Bureau of Educational Research said:

It is evident as far as the educational facilities for Negroes is concerned, that practically none of the recommendations made in the 1936-37 survey have been followed.

1950 Report, p. 9.

[fol. 977] The Bureau studied all phases of Negro education in Sunflower County and made recommendations for its improvement.

The Instructional Program

Elementary Schools. With such a large proportion of the schools being one and two teacher schools, being inadequately housed and poorly equipped, running short terms with poor attendance during a large part of the time, having a large pupil-per-teacher ratio, and having inadequately trained and poorly paid teachers—the instructional program would naturally be inadequate. . .

1950 Report, p. 10.

High Schools. High school education is, at present, available only to a rather small proportion of Negro boys and girls of Sunflower County. . . . In the high schools, as in the elementary schools, progress is handicapped by inadequate housing, insufficient instructional materials, supplies, and equipment, large classes, poor attendance, and other factors mentioned earlier in this report. Furthermore, good high school education is built on the foundation of good elementary education.

1950 Report, p. 22.

Pupils in the Schools

Of the 7709 Negro children enrolled [in December 1949], the following facts seem of real significance: 32 per cent in grade 1; 70 per cent in grades 1-4; 86 per cent in grades 1-6; 2 per cent in grades 10-12. Obviously with a grade distribution indicated above . . . most Negro boys and girls in Sunflower County are not securing a very extensive education.

1950 Report, p. 39.

The Bureau gave a sampling of Sunflower Negro children the Metropolitan Achievement Test. This test was chosen because nationwide norms had been established for both white and Negro pupils.

The Bureau stated that the children tested were "under severe handicaps".

... In very few instances were there enough desks. Most of the children were obliged to sit on benches and work closely together at a table. Thus, it was impossible to prevent copying. In some instances, pupils sat on the floor and did their work. . .

1950 Report, p. 44.

[fol. 978] According to the Bureau, the tests showed:

... On the average, the Negro children tested in grades 3-8 were two whole grades behind the white norms. This statement seems even more dismal when it is known that these Negro children who were two grades behind also are two years, three months older than the children on whom the norms were established . . . It will be noted that compared with the Negro norms the pupils tested scored only one grade two months below the Negro norms. Still they were one year seven months older than the Negroes on whom the norm was based. This is a pretty bad picture.

1950 Report, pp. 50, 53.

The Bureau points out that the Negro norm was established on the basis of other Negro children in the south (p. 42) and that each successively higher grade tended to show a greater gap between the educational attainments of the Negro children, of Sunflower County, tested and the norms, (p. 56)

Negro Teachers in Sunflower County

Unprepared teachers tend to teach as they were taught. If half of the teachers in Sunflower County who had completed the twelfth grade or less, attended schools as inadequate as are the Sunflower County Schools for Negroes, then we have a vicious cycle. In this cycle children are taught in poor schools by poorly prepared teachers; these children in turn become teachers, unprepared as they are, for other children.

It is the opinion of this study staff that, by and large the schools for Negroes in Sunflower County are not good schools. Under the conditions described above the schools for Negroes will never be good schools.

1950 Report, pp. 58, 60.

The kind of teachers a school system may secure depends to a large extent on the amount of salaries they receive. . . . Salaries for Negro teachers in Sunflower County and in the State of Mississippi generally, are miserably low. . . .

1950 Report, p. 66.

Negro School Plant and Plan for Improvement

The Bureau pointed out that Negro children in Sunflower County are attending school in 94 different places. They recommend that these small school units be abandoned and that "a good modern school program should be started [fol. 979] for the Negroes of Sunflower County". (p. 79) They recommend the establishment of eight elementary centers and two high school centers. (p. 79)

The Bureau points out that this could be done without financial loss.

From the point of view that the school plant is an educational tool, the present holdings of Sunflower schools present a dreary spectacle. Over-crowded classrooms are a definite handicap to instruction in the finest and best equipped schools. When the buildings are below acceptable standards and equipment is inferior in quality and in quantity, every phase of a sound educational program fails to function.

In one respect, at least, Sunflower County may be fortunate. Since with the exception of three situations in the separate school districts, there is little capital investment and since, in these three, there is only a limited amount, the county is in the position to develop a school plant which is not tied to present structures. Most of the present school plants may be abandoned or sold without undue financial loss. . . .

1950 Report, p. 89.

Financing Negro Schools

In the past, expenditures for schools for Negroes in Sunflower County have been woefully low. This has been true also for most of the counties and separate school districts in Mississippi. There are several reasons for the low expenditures for Negro education. Most of these reasons have their origin in the period when many white people thought that a Negro should not be educated. Today, the white people in Mississippi who see the immediate need for the education of Negroes find themselves tied down by laws and traditions to such an extent that progress can be made only by unceasing and tremendous effort.

1950 Report, p. 101.

As was stated before, half of the state disbursements for school purposes are made on a per capita basis. Nothing in the law states that this money must be spent for the schools of either race according to the number of educable children. However, since the state pays the money on a per child basis, it at least may be inferred that the state money should be spent on the child who was responsible for the payment.

In Sunflower County schools, as well as many other school districts in Mississippi, this is not the case. The amount of money received by the county from the state because of the Negroes exceeds the amount spent for "instruction" of the Negroes. . .

1950 Report, p. 126-127.

[fol. 980] . . . in 1939-40 the county received from the state \$6.96 per enrolled Negro pupil but spent only \$4.26. The per capita amount received in each of the following ten years was, in every year, more than the per capita expenditure. . .

1950 Report, p. 134-135.

. . . Sunflower County in 1939-40 received \$73,626 per capita fund. Since 79 per cent of the educables at that time were Negro, \$58,165 was the amount received on the basis of the Negro children. However, only \$35,564 was spent

for "instruction" for the Negro children. Evidently \$22,601 of this amount was expended elsewhere—probably on the schools for the whites. In the last two years the difference in the amount received and the amount [not spent for Negro children] is more than twice the \$22,601 figure.

1950 Report, pp. 126-127.

(E-12-1 Survey published in March 1950 by the Bureau of Educational Research, School of Education, University of Mississippi, under the direction of Dr. John E. Phay)

[fol. 981]

Introduction

In 1949 a study of the Holly Springs Separate School District was made at the request of the Board of Education and the Superintendent of Schools of that district. This study was made by the School Study Staff of the School of Education, University of Mississippi under the direction of Dr. John E. Phay.

Negro Elementary School

It is difficult to write anything about the curriculum of this school. The program is so limited, the physical conditions are so inadequate, the pupils per teacher load is so heavy, the materials of instruction are so meager, being limited to a few almost worn-out textbooks and a few materials that the teachers have gathered together, that any attempt to describe the program becomes lost in the mass of needs of this large group of boys and girls. (p. 17)

Negro High School

The high school provides classes through the tenth grade only. The principal carries on classes in arithmetic, english, social studies, general science, and perhaps some other subjects. The conditions under which he and the boys and girls work are abominable. He teaches his classes in one corner of an assembly hall while the rest of the room is full of very small children. There are practically no materials and supplies with which to work except a few almost worn-out textbooks. (p. 19)

Teachers' Salaries

The present salaries in Holly Springs white schools range from \$1760 to \$1980 for classroom teachers with the average being \$1823. (p. 49)

The current salary scale for the Negro teachers in the Holly Springs School District has a range from \$420 for one . . . teacher . . . to \$880 which is paid to six teachers . . . The average salary paid Negro teachers, exclusive of the salary of the principal in the Holly Springs District is \$550. (p. 60)

Negro School Buildings

Except for the Rosenwald school, all Negro schools are housed in one room frame buildings. Except for a rather questionable shelter from the weather, they interfere with, rather than aid, the teaching and the learning process. Water supply is usually far removed from the building and the unsanitary water bucket is always evident. Toilets are either wooden shacks, or the adjacent woods. Natural [fol. 982] lighting is usually poor, no artificial light is available. Equipment is not worthy of the name. . . (p. 68)

Per Capita Cost

. . . In 1948-49 . . . there was budgeted \$107.37 for each white boy and girl. This compares with \$45.00 spent per child in 1940-41. . . The per capita cost for the education of Negro boys and girls in Holly Springs is exceedingly low. . . the cost in 1940-41 was \$5.95 per enrolled pupil. The cost increased each year until the budgeted amount for 1948-49 was \$17.96 each. . . (p. 87)

(E-18-1 The Report of a Study of The Holly Spring Separate School District by Dr. John E. Phay, Director of School Study Staff, School of Education University of Mississippi 1949.)

[fol. 983] 4. The surveys of schools in Mississippi required by the Legislature of the State of Mississippi and the State Educational Finance Commission conducted in the mid-1950's show that the education provided for Negroes has been inferior to that provided for whites.

The special session of the Mississippi legislature convened in 1953 passed a law requiring each county and separate school district to have a survey of the educational facilities in that county made for the purpose of equalizing all schools in the district. All presently existing districts were abolished and each district was required to have a plan prepared for its reorganization prior to July 1, 1957. At this session of the legislature, the State Educational Finance Commission was also created as an organization to insure and provide substantial equality of educational opportunities through the maintenance of a uniform system of free public schools. The Commission was also charged with the responsibility of bringing about desirable consolidation or reconsolidation of school districts in Mississippi.

The Commission established criteria for school district reorganization as guides to county boards of education and to school district trustees in carrying out the purpose of the legislative acts of this session. One of the requirements was that a survey of each county and school district had to be prepared by one of the institutions of higher learning of the State of Mississippi, the State Department of Mississippi, or a survey agency approved by the Finance Commission.

Among the agencies approved by the State Educational Finance Commission for making school surveys in the State of Mississippi for this purpose were the following:

[fol. 984] Dr. John E. Phay, Director
Bureau of Educational Research
University of Mississippi
University, Mississippi

Dr. Ralph S. Owings
 Head and Professor of Educational
 Administration
 Mississippi Southern College
 Hattiesburg, Mississippi.⁵⁸

The following are excerpts from the survey reports prepared by the above two agencies for submission to the Educational Finance Commission:

[fol. 985] Adams County and City of Natchez

School Plant

Adams County has 30 schools for negroes outside the city of Natchez. Of the 30, 9 are housed in churches, 11 in school buildings, 8 in society halls and the remainder in combinations of buildings. The site is publicly owned in only three instances. . . . The condition of the buildings that house the negro children in the county outside Natchez is one that needs immediate attention. There are only two buildings that are considered adequate for future use as schools. . . . (p. 77)

Enrollment and Average Daily Attendance

In 1954-55 the Adams County school enrollment was 844 for white schools and 1,368 for Negro schools. The average attendance was 807 for white students and 1,227 for Negro students. There were 129 white high school students and no Negro high school students.

School enrollment figures for the city of Natchez show that the total enrollment was 2,774 for whites and 2,014 for Negroes. The average attendance was 2,599 in the white schools and 1,814 in the Negro schools. There were 661 white and 451 Negro high school students in the city of Natchez in 1954-55. (pp. 15, 17, 19, 21, 33, 35, and 36)

⁵⁸ E-0-47 Report of the State Educational Finance Commission June 1, 1954-June 30, 1955, Department Reports State of Mississippi, Vol. I, 1953-1955.

NOTE: All direct quotes from reports are single spaced or in quotation marks.

Two of the three white schools in Adams County outside Natchez are consolidated schools. The condition of one building is rated "good"; the other two, "poor". (p. 70) Of the six white school buildings in Natchez Separate District, two are rated "excellent"; three, "fair"; and one, "good".

One of the three Negro school buildings is rated "fair"; one, "good"; and one, "excellent". (p. 113) About the building rated "good", the report said: "The lights in the basement are totally inadequate. . . . Adequate bulletin boards are lacking in this building. Chalk boards [fol. 986] are in bad condition and require attention . . ." (p. 114)

Pupil-Teacher Ratio

The pupils per teacher ratio in white schools in Adams County is 25-1 (p. 132); in Negro schools, 34-1 (p. 136). The ratio in white schools in Natchez is 26-1 (p. 138), in Negro schools, 29-1 (p. 140).

Expenditures

The per capita amount spent for each white child in average daily attendance in Adams County was \$340.26 per pupil for a nine-month term (p. 135); for each Negro child for an eight-month term, \$110.92. "When this figure is contrasted with the cost of the program for whites, it shows that more than twice as much is being spent for whites". (p. 137)

Instructional Program

. . . [In the Negro elementary schools in Adams County] you find the conventional program offered. In grades 7 and 8 the program is very weak and inadequate, all the children spending a major portion of their time just sitting because the teacher has to spread her time over so many grades. These boys and girls are not getting a program of education that appears to be of too much consequence. The program offered to the Negroes is very mediocre. The listing of the offerings would not reveal anything that would prove valuable. Only the dearth of the program would be obvious. (p. 137)

The Natchez city schools are to be commended on the fact that they provide kindergartens for their negroes as

well as whites. It is one of the few school systems in the state of Mississippi that provide this type of education for negro boys and girls. . . . (p. 140)

Expenditures

In Natchez, the per capita spent for each white child in average daily attendance is \$176.94; for each Negro child, [fol. 987] \$134.57. "This indicates that Natchez is making an effort to equalize the program of negroes and whites". (p. 141)

(E-38-1 Survey published in 1955 by the Department of Educational Administration, Mississippi Southern College, under the direction of Dr. Ralph S. Owings and Dr. Raymond M. Ainsley).

[fol. 988]

Amite County

Enrollment and Average Attendance

In 1955-56 the total enrollment for white schools was 1,940. During the same year there were 3,978 children enrolled in the Negro schools of Amite County. The average attendance was 1,794 for white schools and 2,594 for Negro schools. (pp. 11-32)

School Plant

The school buildings in Amite County range from excellent to unsatisfactory. Some should no longer be utilized for school purposes. The buildings for Negroes are most inadequate and in a deplorable condition. . . . (p. 41)

There are 7 white school buildings—all publicly owned. Two are rated "poor"; one, "excellent to poor"; one, "good to satisfactory"; one, "poor to unsatisfactory". (p. 43)

There are 32 schools for Negroes in Amite County. Without exception they are in extremely poor condition. . . . These schools are in such deplorable condition that it seems a waste of time to discuss each school plant in detail. . . . (p. 54)

Only 3 of the 32 Negro schools are publicly owned. (p. 54)

It is recommended that 13 be abandoned. (p. 55)

School Busses

... Amite County maintains 34 busses for white pupils and 21 for Negro pupils. . . . All but 4 of the white busses are either 1954 or 1955 models. Only 4 of the Negro busses range from 1952 to 1954 models, while the balance range from 1951 models, down to 1946 models. Older model busses (1946-1949) make it difficult to maintain safe and economic operation. . . . The largest percentage of the busses serving white pupils make only one trip daily. Table 19 shows most of the Negro busses making two trips, with one Negro bus making 3 trips. (p. 69)

Pupil-Teacher Ratio

Eighty-nine white teachers are employed with a pupil-teacher ratio of 21.9. "This ratio is much below the state average of 30 plus". (p. 82) Eighty Negro teachers are employed with a pupil teacher ratio of 37.2. "This ratio. [fol. 989] is much higher than that of the white schools. Compared with the State of Mississippi which has a 30 plus ratio it is also high". (p. 91)

Expenditures

There is a dearth of teaching materials and equipment in all the Negro schools. There is a shortage of chalk boards, bulletin boards, reading material, charts, maps, and library books. (p. 91)

The budget for 1954-55 was made on the basis of average daily attendance of 1,991 white children at \$182.36 per child for 8 months. The budget for 2,423 Negro children was made at the rate of \$85.68 per child in average daily attendance for 8 months. This shows that approximately twice as much is spent for each white child as for each Negro child in Amite County. This fact should be given careful consideration. (p. 97)

(E-46-1 Survey published in 1956 by the Department of Educational Administration, Mississippi Southern College, under the direction of Dr. Ralph S. Owings, Head of the Department of Educational Administration.)

[fol. 990]

Benton County

Enrollment and Average Daily Attendance

In January 1956, there were 1,018 white and 1,054 Negro students enrolled. Nine hundred and fifty-nine white and 710 Negro students were in average daily attendance. (pp. 23, 32)

Elementary Schools

... It should be noted that in the quality and quantity of housing, in the availability of instructional materials, and in general environment, the Negro elementary schools are far below those of the white schools. (p. 37)

School Plant

The report indicated that 12 of the 13 Negro attendance centers are obsolete. The high school portion of the thirteenth is obsolete. (p. 46)

Expenditures

The per pupil cost for white schools was \$162 for Hickory Flat and \$184 for Ashland. The per pupil cost for the Negro schools was \$98. (pp. 50-51)

(E-14-1 Survey published in June 1956 by the Bureau of Educational Research, School of Education, University of Mississippi, under the direction of Dr. John E. Phay)

[fol. 991] Claiborne County and City of Port Gibson

Pupil-Teacher Ratio

The pupil teacher ratio for the white children of Claiborne County is 21 per teacher and for the Port Gibson schools 26 per teacher; whereas, the ratio of Negro pupils per teacher for the county is 33 and for Port Gibson, 40.

Expenditures

The county operates white schools for nine months and the negro schools for eight months. The budget for white children in the county is \$436.40 per child in average daily attendance; whereas, the budget for the negroes is only

\$100.39, and is for eight months, showing that four times as much is being spent for each white child as for each negro child in average daily attendance, and in addition, he is given an extra month. . . .

Port Gibson operates both the white and negro schools for nine months. No school should be run for less than nine months. Port Gibson budgeted on a basis of \$160.02 per white child in average daily attendance, and \$82.25 per negro child in average daily attendance or approximately 50 per cent less for the Negroes (p. 102)

(E-39-1 Survey published in 1955 by the Department of Educational Administration, Mississippi Southern College, under the direction of Dr. Ralph S. Owings and Dr. Raymond M. Ainsley.)

[fol. 992] Clay County and City of West Point

Average Daily Attendance

In 1954-55 the average daily attendance in the schools of Clay County was 1,810 for white students and 2,297 for Negro students. (pp. 20, 30)

Pupil-Teacher Ratio

The total number of teachers for the city of West Point and Clay County was 72 for the white schools and 82 for the Negro schools. (pp. 22, 31)

Elementary Schools

. . . It should be noted that both in the quality and quantity of housing, in the availability of instructional materials and in general environment, the Negro elementary schools are below those of the white schools in their neighborhood. (p. 43)

School Plant

Two of the twenty-five Negro school buildings are rated "fair", the other twenty-three "obsolete". (pp. 56-60) Four of the seven white school buildings are rated "good", the other three "fair". (p. 52)

Expenditures

The per capita expenditure at different white schools in the county and West Point ranges from \$218 to \$145. The County expenditure per Negro pupil is \$91; West Point spends \$105. (p. 64)

(E-29-1 Survey published in May 1956 by the Bureau of Educational Research, School of Education, University of Mississippi, under the direction of Dr. John E. Phay.)

[fol. 993]

Covington County

Pupil-Teacher Ratio

The white pupil-teacher ratio is 25.3-1; the Negro, 35.1-1. (pp. 70, 78)

Expenditures

The budget for the year 1954-55 reveals that Covington County budgeted for an average daily attendance of 2,383 white children at a cost of \$154.53 per child. Compared to this figure is the budget for the average daily attendance of 1,219 Negro children at a cost of \$122.46 per child. This budget is prepared for eight months for both white and Negro. This means that about 25 per cent more is being spent per white child than per Negro child. (p. 82)

(E-67-1 Survey published in 1956 by the Department of Educational Administration, Mississippi Southern College, under the direction of Dr. Ralph S. Owings.)

[fol. 994] Forest County and City of Hattiesburg

Expenditures and General Description

According to the budget for 2,948 white children and 1,809 negro children in average daily attendance for the 1954-55 year, Hattiesburg has been attempting to equalize the expenditure per pupil in average daily attendance. The budget calls for an expenditure of \$165.00 per white child and \$110.00 per negro child. Hattiesburg operates both the negro and white schools for nine months, which indicates that effort is being made toward bringing the negro schools to the same level as to kind and type of schools as the white. However, the negro schools are overcrowded to an

extent greater than the white schools. Also, the facilities in the negro schools are not comparable to the whites.

In 1954-55, Forrest County budgeted \$159.91 per child for 2,727 white children in average daily attendance and \$130.00 per child for 1,036 negro children. Here again is evidence that there is an attempt to improve the situation of the negro child and bring it in line with the white. Unfortunately, however, the negro schools in the county do not run for nine months. All of them run for eight months only. Some of the white schools run for only eight months, but others run for nine. All schools should run a minimum of nine months, both white and negro. (pp. 167-168)

(E-68-1 Survey published in 1955 by the Department of Educational Administration, Mississippi Southern College, under the direction of Dr. Ralph S. Owings and Dr. Raymond M. Ainsley)

[fol. 995]

Franklin County

Expenditures

The proposed budget for 1954-55 indicates that Franklin County budgeted for 1,392 white children in average daily attendance for eight months at a cost of \$175.62 per child. It also budgeted for 898 Negroes in average daily attendance for eight months at a cost of \$110.28 per child. Franklin County is spending a little better than 50 per cent more on its white children than it is on its Negroes. (p. 74)

(E-48-1 Survey published in 1955 by the Department of Educational Administration, Mississippi Southern College, under the direction of Dr. Ralph S. Owings.)

[fol. 996]

George County

School Plant

The school buildings in the county cover a wide range from poor to excellent. Some of the buildings are poorly adapted to educational needs. The Negro buildings are most inadequate and in a deplorable condition. . . (p. 39) It is quite evident from examination of the pictures of the schools that the Negro situation is pathetic. . . (p. 55)

Pupil-Teacher Ratio

The white pupils per teacher ratio is 30.5-1; the Negro, 36.9-1. (pp. 68, 76)

Expenditures

The budget for 1954-55 was made on the basis of average daily attendance of 2,472 white children at \$158.78 per child for eight months. The budget for 353 Negro children was made at the rate of \$106.75 per child in average daily attendance for eight months. This shows that approximately 50 per cent more is being spent on each white child than on each Negro child in George County. This fact should be given careful consideration. (p. 78)

(E-77-1 Survey published in 1956 by the Department of Educational Administration, Mississippi Southern College, under the direction of Dr. Ralph S. Owings.)

[fol. 997]

Greene County

Pupil-Teacher Ratio

The white pupils per teacher ratio is 26.1-1; the Negro, 32.4-1. (pp. 70, 76)

Expenditures

The budget for the year 1954 reveals that Greene County budgeted for an average daily attendance of 1,980 white children at a cost of \$166.86 per child for 8 months. Compared to this figure is the budget for the average daily attendance of 583 Negroes at a cost of \$97.51 per child. This means that the county is spending approximately twice as much on the white child as on the Negro. (p. 80)

(E-69-1 Survey published in 1956 by the Department of Educational Administration, Mississippi Southern College, under the direction of Dr. Ralph S. Owings.)

[fol. 998] Grenada Count and City of Grenada

Pupil-Teacher Ratio

1,840 white children in average daily attendance in 1955-56 were taught by 78 teachers; 2,076 Negro children in average daily attendance were taught by 74 teachers. (pp. 20, 28)

\$146.00 was spent for each white child in average daily attendance in Grenada City schools; \$174 in one county white school and \$249 in the other. The expenditure per child for county Negroes was \$103, for city Negroes \$90. (p. 56)

(E-16-1 Survey published in July 1956 by the Bureau of Educational Research, School of Education, University of Mississippi, under the direction of Dr. John E. Phay.)

[fol. 999] Holmes County and Cities of
Durant & Lexington

Pupil-Teacher Ratio

There were 1780 white children in average daily attendance in the entire county. The white pupil-teacher ratio was 17-1 in Holmes County, 18-1 in Lexington, and 20-1 in Durant. (p. 19, 23) There were 5396 Negro pupils in average daily attendance. The Negro pupil-teacher ratio was 30-1. (pp. 37 and 39)

School Plant and Instructional Program

... no sound educational program for elementary Negro children can be established until extensive replacements and additions are made to the present school plants. (p. 66) In most instances the Negro high schools have too many oversized classes. This seriously interferes with a sound instructional program. As in the Negro elementary school curriculum, the school plant is a major factor in limiting the school program. Library facilities, laboratory equipment, and other teaching devices also are limited. (p. 69)

... except for the Mileston plant and the one at West the County must provide new plants for Negro education. [The survey recommends that over 60 other Negro schools be abandoned. (p. 78)] Although it is unfortunate better school buildings have not been provided in the past, it is fortunate that new buildings can now be built at the most desirable locations. Little capital loss will be sustained by abandoning the school plant as recommended in this study. (p. 81)

Expenditures

In 1954-55, Durant spent \$191 for each white child in average daily attendance; Lexington spent \$265; the county expense for white pupils ranged from \$306 to \$152, depending on the school attended. Holmes County, at the same time, spent \$78 on each Negro child; Lexington, \$72; and Durant, \$63. (pp. 86-89)

(E-50-1 Survey published in June 1956 by the Bureau of Educational Research, University of Mississippi, under the direction of Dr. John E. Phay.)

[fol. 1000]

Jackson County

General Description

Jackson County has 7 white schools. Grades 1-12 are taught in three of these: St. Martin, Vancleave, and Wade. Grades 1-8 are taught in the other schools.

All the schools operate for eight months. Table 60 shows that enrollment for the current year is 2,132 pupils with 71 teachers employed or a teacher-pupil ratio of 31.4. This ratio is above the state average of 30 plus. . . . (p. 119)

Jackson County has three Negro schools. Grades 1-8 are taught in 2 of these. The other, Davis Chapel, includes grades 1-6.

All of these schools operate for eight months . . . the enrollment for this year is 196 and . . . 6 teachers are employed. The pupil-teacher ratio is 32.7 which is higher than the average in the State of Mississippi.

Since none of these schools have a high school, no course of study will be given. Generally speaking, the program of these schools needs improvement in every respect. (pp. 123-124)

(E-80-1 Survey published in 1956 by the Department of Educational Administration, Mississippi Southern College, under the direction of Dr. Ralph S. Owings.)

[fol. 1001]

Jefferson County

Average Daily Attendance

In the school year 1954-55 there were 551 white children in average daily attendance. There were 1717 Negro children in average daily attendance. (pp. 15, 30)

While the buildings are not the most important thing concerning the school, they are of significance. The kind and type of housing for children affect the program and also have an affect on the teachers. (p. 47)

In each of the school surveys discussed in this appendix all the school buildings in the county are described. The following are descriptions of the three white schools in Jefferson County and some of the 28 Negro schools:

It is reported that *Fayette* is a school for whites. It is a two-story brick building, located on 10 acres and owned by the public. The value of the plant is approximately \$150,000. (pp. 48, 49)

Union Church is a school for white children. This was partially burned during the time of survey. The survey reported that the elementary (which was not burned) is a wooden frame building with a metal roof in poor condition. However, inside toilets are available. The shop and vocational building is in very good shape. (pp. 50, 51)

According to the survey *United Vocational* is a school for white children. The value of the plant is \$60,000. The condition of this school, in general, is poor.

Ashland [a one-teacher school for Negroes, teaching grades 1-8] The windows are inadequate. It is heated by a wood stove. It has no lights and the furniture consists of chairs and benches. There is no water supply. There are open-type toilets in very poor condition. Teaching aids, such as chalk boards and bulletin boards are desired. (p. 55)

[fol. 1002] *Contentment* [a one-teacher school for Negro children teaching grades from 1-8] It has a metal roof that leaks. The windows are inadequate and half the panes are missing in some instances. The floor is wood and in good condition but unpainted. The building is heated by a wood heater in fair condition. There are no lights and the furniture is home-made benches. There is no water supply at all. The children bring their water from home.

Chalk boards are inadequate and in poor condition. The toilets are open type in poor condition, totally inadequate for school use. (p. 57)

Hard Times [a one-teacher school for Negroes, teaching grades 1-8.] The windows are not very good. The floor is wood in fair condition. It has a tongue and groove ceiling in fair condition. The building is heated by a wood heater in fair condition. There are no lights. The furniture is all home-made benches. . . . The water supply comes from a church. . . . The teaching aids are most inadequate. The entire facilities are not suitable for school. (p. 59)

Montgomery [a one-teacher school for Negroes, teaching grades 1-8] The windows are not adequate. The floors are wood in good condition. The building is heated by a wood stove. The lights are inadequate and the furniture is likewise inadequate. There are no toilets available, except for girls. The water is obtained from a cistern. This building was built in 1950. (p. 64)

Pupil-Teacher Ratio

The ratio of white pupils per teacher is 19-1 (p. 87). The ratio of Negro pupils is 30-1. "This is about 60 per cent higher than the figure shown for white children." (p. 91)

While there were 64 negro teachers employed for the year 1953-54, for the year 1954-55 this number has been cut to 59. On the basis of enrollment for 1954-55, the ratio of teachers will be 40 for the negro schools. (p. 91)

Expenditures

The survey showed that the 1954-55 school year budget for Jefferson County allotted \$202.35 for each of the 574 white students in average daily attendance. The budget allotted \$66.79 for each of the 2007 Negro students in average daily attendance. (p. 91)

(E-41-1 Survey published in 1955 by the Department of Educational Administration, Mississippi Southern College, under the direction of Dr. Ralph S. Owings and Dr. Raymond M. Ainsley.)

[fol. 1003]

Jefferson Davis County

School Plant

There are 15 schools for Negroes in Jefferson Davis County. The Negro schools with the exception of Carver at Bassfield and Oakley, are in extremely poor condition. . . . There is little use in discussing each of these schools in detail since their facilities are inadequate and not fit for further use as schools. Many of the buildings are all but falling apart. (p. 54)

Pupil-Teacher Ratio

. . . . The enrollment for the past year [in white schools] was 1,763 with 78 teachers employed or a pupil-teacher ratio of 22.6. This ratio is very desirable, however, it is expensive. It is doubtful that Jefferson Davis County can afford this luxury. . . . (p. 82)

. . . The enrollment for last year [in Negro schools] was 2,764 with 62 teachers employed which makes a pupil-teacher ratio of 42.9 which is extremely high. . . Good work cannot be accomplished when a teacher has such a large number of pupils. In certain instances the ratio is as high as 47 per teacher and in no instances is it lower than 31.3 except at Haw Pond where it is 27.5. . . . (p. 87)

Expenditures

The budget for 1954-55 for Jefferson Davis County reveals that for 1,557 white students, \$183.59 was budgeted for each pupil in average daily attendance for eight months. Contrasted to this is the budget for 2,238 Negro pupils in average daily attendance at a cost of \$96.19 per pupil for eight months. In other words, Jefferson Davis County is spending approximately twice as much on its white children as it is on its Negro children. This should be given some attention at an early date. (p. 92)

(E-70-1 Survey published in 1956 by the Department of Educational Administration, Mississippi Southern College, under the direction of Dr. Ralph S. Owings.)

[fol. 1004] Jones County and Laurel and Ellisville
Separate School Districts

Elementary Schools

... The limitation of the program of studies also is dependent upon many factors which must be altered before any sizeable improvement can occur. Only one school plant, the new building at Shady Oak, provides a satisfactory setting for a good elementary program in the county schools for Negroes. Delapidated buildings, poor equipment and the almost complete absence of teaching supplies, are factors which contribute to the deficiencies. (p. 40-41)

Instructional Program

In all county schools for Negroes, several grades are being taught by one teacher, a factor which limits the extent and quality of the program of studies. There is only so much time available for teaching during each day. When this time either is divided consecutively among several grades or used simultaneously for teaching at several levels of instruction, the quality of teaching and the program of studies both suffer. (p. 41)

The Ellisville Municipal Separate School District elementary school follows the pattern of the county elementary schools, although the building is better than any except the Shady Oak School building. (p. 41)

In the Laurel Municipal Separate School District, the schools show evidence of a general administrative policy enrichment. The new buildings, better equipment, and the use of teaching supplies, promote this policy. However, many classrooms are overcrowded . . . (pp. 41-42)

High Schools

Concerning the Negro high schools, the survey comments that the Laurel Municipal Separate School District High School offers only 19 courses per year, which "provides a limited program of studies". However, the survey felt that this high school was better than the Negro county high schools which are all small schools. Concerning the county high schools, the survey remarked: "Probably the greatest handicap in providing an adequate program of studies is

the poor school plants. Although agriculture and home economics are listed as courses in each school except [fol. 1005] Friendship, it is obvious from the lack of equipment and the poor housing available that only limited value can be obtained. A similar situation exists in the laboratory sciences. Library holdings and facilities are practically nonexistent." (pp. 55-58)

Expenditures

The expenditure per white pupil in the Jones County High School ranges from \$181 to \$110; in Ellisville Municipal Separate District the cost per white pupil was \$117; and, in the Laurel Separate School District the cost per white pupil was \$148. "Per pupil cost for Negroes was relatively much lower than for the white pupils in the separate school districts and in most of the county schools. These costs were: Jones County, \$123, Laurel, \$75, and Ellisville, \$72." (p. 92)

(E-71-1 Survey published in November 1956 by the Bureau of Educational Research, School of Education, University of Mississippi, under the direction of Dr. John E. Phay.)

[fol. 1006]

Lawrence County

Enrollment

The enrollment of white children in 1955-56 was 1,890 pupils. (p. 10)

Pupil-Teacher Ratio

The white pupil-teacher ratio was 25.9 to 1. There were 1,393 Negro pupils enrolled. The Negro pupil-teacher ratio was 35.7 to 1. (pp. 64, 69)

Expenditures

The budget for the year 1954-55 reveals that the county budgeted for 1,800 white children in average daily attendance at a cost of \$160.41 per child for a term of 8 months. It budgeted for 1,187 Negroes at a cost of \$103.83 per child for 8 months. Thus, approximately 50 per cent more is being spent for each white child than for each Negro child

in Lawrence County. This fact should be given careful consideration. (p. 72)

(E-73-1 Survey published in 1956 by the Department of Educational Administration, Mississippi Southern College, under the direction of Dr. Ralph S. Owings.)

[fol. 1007] Marion County and the City of Columbia

Enrollment

In 1954-55 there were 1,795 white and 2,344 Negro students enrolled in Marion County Schools. (pp. 12, 22)

The Columbia City school enrollment for the same year was 1,626 for white schools and 508 for the Negro school. (pp. 32, 37)

School Plant

Marion County is now providing eight schools for its white children. Half of these schools are high schools which have grades 1-12. . . . (pp. 48-49)

Marion County provides 6 schools for its Negro children. . . . All buildings are publicly owned and grades 1-12 are taught at all except Expose, where only grades 1-8 are taught. A study of the pictures will indicate the condition of most of these buildings. Some few are very good, but most of them are totally unfit for school use. . . . (p. 61)

The Columbia public schools are housed in three buildings for whites and one for Negroes. (p. 70)

(E-74-1 Survey published in 1955 by the Department of Educational Administration, Mississippi Southern College, under the direction of Dr. Ralph S. Owings.)

[fol. 1008] Panola County and Como and Sardis Separate Districts

Pupil-Teacher Ratio

Ninety-seven white teachers instruct 2,250 white children; 101 Negro teachers instruct 3,400 Negro children. . . . The difference between the number of instructional staff is readily seen. A difference is also apparent in the Como schools with 11 white teachers and 178 white pupils compared with 8 Negro teachers and 303 Negro children; likewise, in Sardis with 17 white teachers and 349 white

pupils compared with 10 Negro teachers and 327 Negro children." (p. 29)

Instructional Program

As is generally true in the state of Mississippi, the curriculum in the Negro schools is limited in scope and in sequence. Most of this is due to the lack of money available for teachers, for supplies and for buildings. Panola County and its separate districts find themselves in the situation of other Mississippi communities. The Negro secondary schools are even more retarded in curriculum offerings than the elementary schools. This is due in part to the fact that few of the total number of Negroes enrolled in the first grade enter the high school. Thus, the limited enrollment plus other factors deters the development of a sound curriculum. Special attention is called to the fact that in grades seven and eight one of the weakest sections of the curriculum occurs, which may have a decided effect upon the elimination of many boys and girls from the schools at this particular point. It may be said that throughout the entire county no high school for Negroes exists which presents a curriculum attractive enough to hold boys and girls in school. The needs of these youngsters are not being met. They undoubtedly know this, and withdraw from school at an early age. . . . (pp. 41-42)

School Plant

As a whole, the white schools are far better than the Negro schools. With the possible exception of Blackjack and Union most of the white children in Panola County attend schools which are housed in acceptable buildings. In some instances, such as the Batesville High School and the elementary schools at Pope and Batesville, unusually good facilities exist. Among the Negro schools, however, the situation is reversed. Few buildings of any quality exist for Negroes. The better ones are located at Bates-[fol. 1009] ville and Como with one small building at Crenshaw. The remainder of the Negro children are too often housed in private buildings, poorly adapted to the needs of the school. It is perhaps fortunate that no great investment now exists in the rural sections in the county for

Negroes. The abandonment of any attendance centers now will not mean any great capital loss to the county and will make much easier the establishment of attendance centers at the proper places. (p. 45)

Expenditures

The per capita expenditure on white pupils in all of the school districts in Panola County varies from a low of \$140 to a high of \$280. The expenditure per capita on Negro children in the county was \$70; in Como, \$78, and in Sardis, \$86. (pp. 58-59)

(E-4-1 Survey published in 1955 by the Bureau of Educational Research, School of Education, University of Mississippi, under the direction of Dr. John E. Phay.)

[fol. 1010] Pearl River County and Poplarville and Picayune Separate Districts

School Plant

The buildings in this county range from good to poor. Some are not suitable for schools. It might be said that the housing of the Negro children in the county is substandard in every instance. . . . (p. 61)

Expenditures

For a term of 8 months in 1954-55, \$158.18 was budgeted for each of the 2,237 white children in Pearl River County. For the same time, \$79.02 was budgeted for each of the 184 Negro children. This shows that Pearl River County is spending two dollars for each white child where they spend one for each Negro. This situation should be corrected at the earliest possible date. . . . (p. 116)

Poplarville budgeted for 440 white children in average daily attendance in 1954-55 for a period of nine months at a cost of \$151.85. They also budgeted for 186 Negro pupils for a nine months' program at a cost of \$108.61. For every two dollars spent on Negroes, three dollars are spent on whites. There is a decided need for improving the Negro education at the Poplarville Schools. (p. 123)

[In 1960-61, Poplarville District spent \$57.96 for the instruction of each white child and \$18.69 for the instruction of each Negro child.]

In 1954-55, \$170.29 per child was budgeted for 1,082 white children for a term of nine months. At the same time, \$96.00 per child was budgeted for 606 Negro children for a term of nine months which shows that almost twice as much is spent for each white child as for each Negro child. (p. 127)

[In 1960-61, Picayune spent \$74.54 instructing each white child and \$26.48 instructing each Negro child.]

Pupil-Teacher Ratio

Picayune is also attempting to give its Negroes a good program of education. However, examination of the table which follows shows that the ratio of pupils to teachers is entirely too high. It is $41\frac{1}{2}$ which is 33.5 percent greater than the average for the State of Mississippi which is the highest in the nation. (p. 125)

(E-81-1 Survey published in 1955 by the Department of Educational Administration, Mississippi Southern College, under the direction of Dr. Ralph S. Owings)

[fol. 1011] Perry County and the City of Richton

Enrollment

In 1954-55 the Perry County white school enrollment was 1,295 and 536 for Negro schools. (pp. 12, 24)

Enrollment for the city of Richton was 510 for whites and 187 for Negroes in 1954-55. (pp. 34, 39)

School Plant

There are seven white schools in Perry County and three Negro schools. "The housing for Negroes has been neglected and the facilities are very inadequate and in a very bad state of repair." All of the Negro schools were rated "poor" by the survey staff. (pp. 52, 65)

Richton schools are housed in five buildings for whites and two for Negroes. One of these is a church. (p. 68)

The Richton negro schools are in a deplorable condition so far as housing is concerned. One of the schools, which

is called Happy Lilly or McSwain, is housed in a church. This building is not suitable for school activities. (p. 71)

Pupil-Teacher Ratio

In Perry County the ratio of pupils per teacher was 21.5-1 for white schools and 33.5-1 for Negro schools in 1954-55. (pp. 93, 99)

In the Richton white school the pupil-teacher ratio was reported as 32-1 and in the Negro schools it was reported as 37-1. (pp. 103, 105)

Expenditures

[In Perry County] the 1954-55 budget shows that for 1,300 children in average daily attendance the budget was \$166.86 per child in average daily attendance. The schools are operated for a term of eight months. Perry County spends about 25 per cent more for its white children than it does for its Negroes, based on a budget of 538 negro children at a cost of \$114.23 per child in average daily attendance for a period of eight months. (p. 99)

[fol. 1012] For 1954-55 the budget calls for an expenditure of \$146.42 per pupil for 415 white children in average daily attendance for eight months school, whereas, for the 157 Negroes in average daily attendance, the expenditure was only \$75.13 per pupil. Richton is spending twice as much on its white children as it is on its Negroes, and both schools are operating for eight months only. (p. 103)

(E-75-1 Survey published in 1955 by the Department of Educational Administration, Mississippi Southern College, under the direction of Dr. Ralph S. Owings.)

[fol. 1013] Pike County and Summit, McComb, Fernwood, and Magnolia Separate School Districts

General Description

This chapter points out that many schools in this county, both white and Negro, are operating for less than 9 months. It shows that the pupil-teacher ratio has a wide range in the various schools. In the Negro schools the ratio, in most cases, is unfavorable. . . .

Expenditures

The budget for the year 1954 reveals that Pike County budgeted for an average daily attendance of 1,186 [white] children at a cost of \$174.45 per child for 8 months. Compared to this figure is the budget for the average daily attendance of 1,670 Negroes at a cost of \$83.60 per child. This means that the county is spending approximately twice as much on the white child as on the Negro child.

The budget for the year 1954-55 reveals that Fernwood budgeted for an average daily attendance of 201 white children at a cost of \$151.86 for 9 months. In comparison is the budget for the average daily attendance of 345 Negro children at a cost of \$97.70 for 9 months. This means that Fernwood spent 50% more for each white child than it did for each Negro child.

The budget for the year 1954 reveals that Magnolia budgeted for an average daily attendance of 508 [white] pupils at a cost of \$167.19 for 9 months for each child. Compared to this figure is the budget for an average daily attendance of 502 Negro children at a cost of \$78.18 per child for 8 months. This means that Magnolia is spending twice as much on each white child as it is on each Negro child. Furthermore this does not take into consideration the high school Negroes.

The budget for 1954 reveals that McComb budgeted for an average daily attendance of 1,369 white children at a cost [of] \$145.19 for each child for 9 months. Compared to this is the budget for the average daily attendance of 583 Negro children at a cost of \$104.35 for 9 months. This means that McComb is spending approximately 50% more on each white child than on each Negro child.

The budget for 1954 reveals that Osyka budgeted for an average daily attendance of 133 white pupils at a cost of \$154.66 per child for 8 months. In comparison \$63.08 per child was budgeted for 68 Negro children in average daily attendance for 8 months. This means that Osyka is spending more than twice as much on each white child as it is on each Negro child.

[fol. 1014] . . . The budget for 1954-55 reveals that Summit budgeted for the average daily attendance of 271 white children at a cost of \$169.15 for 9 months. Compared to

this is the budget for the average daily attendance of 343 Negro children at a cost of \$64.81 for a period of 9 months. This means that Summit is spending approximately 3 times as much on each white child as on each Negro. Attention is called to the fact that the Negro schools run for 8 months and the white schools run for 9 months, and that the high school students of Summit attend the Pike County A.H.S.

The budget for the year 1954-55 reveals that Universal budgeted for an average daily attendance of 246 Negroes at a cost of \$93.22 for the term of 9 months. The white children in this district attend McComb on a tuition basis. According to the budget \$273.11 per child for 9 months is spent for the 41 children in average daily attendance. In other words, for each white child Universal receives 3 times as much as for each Negro. (pp. 187-189)

(E-54-1 Survey published in 1956 by the Department of Educational Administration, Mississippi Southern College, under the direction of Dr. Ralph S. Owings.)

[fol. 1015] Prentiss County and Baldwin Separate School District

School Plant

[White schools] At the time of this survey Prentiss County operated 13 schools. In addition, schools were operated by the Baldwin Separate School District at Baldwin and Pratt. . . . Of the 13 white schools in Prentiss County, seven enrolled pupils in grades one through 12, and six enrolled pupils in grades one through eight. . . . (p. 19)

Prentiss County had only three schools for Negroes in 1955-56. None of these centers presents a good condition. The schools at Baldwin, Lincoln, and Carver should be abandoned. At Booneville, if sufficient care is taken and considerable money spent, some of the new building might be salvaged. However, the remainder of the plant should be abandoned . . . in the long run a completely new plant may be more economical. (pp. 27, 47-54)

Pupil-Teacher Ratio

In 1955-56 there were 132 teachers instructing the white boys and girls in the Prentiss County schools and 23 in the Baldwin Separate School District schools, a total of 155 teachers. . . . (p. 24)

There were 15½ teachers instructing the Negro boys and girls in the Prentiss County schools and nine teachers in the Baldwin Separate School District school. This provides approximately the number of teachers both in the Baldwin and Prentiss County schools that would be allowed on the basis of one teacher for each 30 pupils in average daily attendance. (p. 28)

(E-35-1 *The Report of a Survey of the Public Schools of Prentiss County and Baldwin Separate School District.*)

[fol. 1016] Quitman County and Marks Separate District

Pupil-Teacher Ratio

One hundred and six white teachers instructed the 2,482 white children in average daily attendance in 1954-55. Ninety-six Negro teachers instructed the 3,025 Negro children in average daily attendance in that school year. (pp. 16-17, 25-26)

School Plant

Most of the schools for Negroes in Quitman County are located in churches. In these churches one or more teachers conduct classes in all grades from one through eight, as needed. In only Lambert in the county schools and in Marks in the separate school district are there enough teachers so that a teacher may have only one grade to teach. (p. 27)

Expenditures

In the county, expenditure per white pupil ranges from \$231 to \$131. The expenditure per Negro pupil is \$82. In Marks Separate District, \$186 is spent on the white, \$96 on the Negro child. (p. 51)

(E-5-1 Survey published in 1955 by the Bureau of Educational Research, School of Education, University of Mississippi, under the direction of Dr. John E. Phay.)

[fol. 1017]

Stone County

School Plant

... It might be said that the housing of the negro children is substandard in every instance, however it must be said that a good negro school is under construction at the Stone County Training School. . . . (p. 39)

Expenditures

In 1954, this county budgeted \$157.71 per white child and \$111.47 per Negro child in average daily attendance. (pp. 70, 72)

(E-32-1 Survey published in 1955 by the Department of Educational Administration, Mississippi Southern College, under the direction of Dr. Ralph S. Owings and Dr. Raymond M. Ainsley.)

[fol. 1018]

Tallahatchie County

Pupil-Teacher Ratio

... In comparing 108 white teachers instructing some 2,200 white children, with 128 Negro teachers instructing 4,000 Negro children, the difference between the number of instructional staff is readily seen. (pp. 32-33)

School Plant

Most of the schools for Negroes in Tallahatchie County are located in churches. In these churches one or more teachers conduct classes in all grades from one through eight, as needed. . . . It is the rare instance where a teacher has only one grade to teach. (p. 33)

The Negro elementary schools housed as they are, in most instances, in buildings completely inadequate for a modern instructional program, obviously could present only the most meager curricular offerings. . . .

The limited offerings in the seventh, eighth and ninth grades in the Negro schools is too often merely duplication of work offered in lower grades. . . . (pp. 38-39)

The report recommends that 53 of the 59 schools used to house Negro children this school year (1955) be abandoned. (p. 74)

Expenditures

... It may be seen from the table that the per pupil cost for white schools ranges from \$53.93 in the Charleston school to \$694.70 in the Glendora School. The range for the Negro school per pupil cost is listed as \$19.80 for the Glendora pupils to \$52.50 for the Sumner pupils. . . . (p. 58)

(E-6-1 Survey published in 1955 by the Bureau of Educational Research, School of Education, University of Mississippi, under the direction of Dr. John E. Phay.)

[fol. 1019] Union County and New Albany Separate District

School Plant

Most of the county schools for Negroes in Union County are located in churches or non-public buildings. The Negro school in the New Albany Separate School District has an attractive brick classroom building and several less desirable frame buildings. In the county schools, one, two or three teachers conduct classes in all grades from one through eight, as needed. The number of classes assigned to each teacher varies with the school location and the number of children. One teacher may teach grades one through eight, or three teachers might divide the grades. In none of the county schools for Negroes does a teacher have only one grade to teach. (p. 30)

Elementary Schools

The program of studies in the Negro elementary schools follows that of the white elementary schools. The exception is that there is a little deviation from the program of studies outlined by the state of Mississippi in the state adopted textbook program. This, again, is the condition which is found in most of the Negro elementary schools in Mississippi and again Union County follows the rule and is not an exception. It may be noted, however, that in the Negro elementary schools, the quality of education and the materials available for teaching seem to be far below that in the white schools. This is due in part to the poor physical surroundings. . . . (pp. 36-37)

High School

The only Negro high school in the county is the Union County Training School in New Albany. This high school offers 20 subjects consisting of the traditional college entrance requirements plus work in home economics and agriculture. This is a limited program of studies for Negro boys and girls. Only a limited amount of materials of instruction and laboratory equipment are available. (p. 45)

Expenditures

In the New Albany Separate School District, \$171 is budgeted for each white child and \$123 for each Negro child. In Union County itself less money was budgeted for both white and Negro children but almost without exception far more was budgeted for the white child than for the Negro child. (pp. 55-58)

(E-22-1 Survey published in 1956 by the Bureau of Educational Research, School of Education, University of Mississippi, under the direction of Dr. John E. Phay.)

[fol. 1020]

Wayne County

School Plant

Nine schools for Negroes are provided—four are privately owned including one church; three are rated “abandon”, two, “unsatisfactory” or partially so. Six schools for whites are provided—all are publicly owned; none of them receive ratings as low as the Negro schools. (pp. 43, 53)

Pupil-Teacher Ratio

... The teacher-pupil ratio is favorable as far as the white children are concerned since in general it is beneath that of the State. For the Negroes the ratio is above the state average. (p. 80)

Expenditures

The budget for the year 1954-55 reveals that the county budgeted for 2,363 white children in average daily attendance at a cost of \$159.27 per child per term of 8 months.

The budget for the 1,671 Negroes in average daily attendance was \$75.99 each for a term of 8 months. Wayne County is spending twice as much for the education of each white child as it is for each Negro. This condition should be corrected. (pp. 80-81)

(E-66-1 Survey published in 1956 by the Department of Educational Administration, Mississippi Southern College, under the direction of Dr. Ralph S. Owings.)

[fol. 1021]

Yalobusha County

Pupil-Teacher Ratio

Seventy-three white teachers instructed 1,688 white children in average daily attendance in 1955-56. Fifty-two Negro teachers instructed 1,543 Negro children in average daily attendance during the same school year. (pp. 20-24)

School Plant

... It should be noted that both in the quality and quantity of housing, in the availability of instructional materials, and in the general environment, the Negro elementary schools are below those of the white schools in their neighborhood. These are factors which influence and control the program of studies. (p. 29)

Four new school houses were constructed for Negroes between 1952-1955. (p. 40)

(E-24-1 Survey published in 1956 by the Bureau of Educational Research, School of Education, University of Mississippi, under the direction of Dr. John E. Phay.)

[fol. 1022] ANSWER TO INTERROGATORY NUMBER 11(b) AS TO THE NAME AND ADDRESS OF EACH WITNESS THE UNITED STATES INTENDS TO CALL OR OTHERWISE USE AT THE TRIAL OF THIS CAUSE TO SHOW THAT PUBLIC EDUCATION FACILITIES PROVIDED FOR NEGROES IN MISSISSIPPI WERE AND ARE INFERIOR TO THOSE PROVIDED FOR WHITE PERSONS.

The United States intends to rely principally on the documents listed in answer to Question 11(c) in proving that public educational facilities provided for Negroes in Mississippi were and are inferior to those provided for

white persons. Such persons as are necessary to establish the authenticity of these documents will be called. The identity of those persons has not yet been determined. No decision has at this time been made as to whether any other witnesses will be called specifically to testify about this issue. All witnesses, white and Negro, who testify may be asked about their educational experience in Mississippi and their personal knowledge of the educational system.

[fol. 1023] ANSWER TO INTERROGATORY NUMBER 11(c) AS TO THE SPECIFIC DOCUMENTS THE UNITED STATES INTENDS TO USE TO PROVE THAT THE PUBLIC EDUCATION FACILITIES PROVIDED FOR NEGROES IN MISSISSIPPI WERE AND ARE INFERIOR TO THOSE PROVIDED FOR WHITE PERSONS.

The United States intends to rely on the following documents to prove that public education facilities provided for Negroes in Mississippi were and are inferior to those provided for white persons:

- E-0-1 *Annual Report of the Superintendent of Public Education of the State of Mississippi for the Year Ending Dec. 31, 1872, transmitted to the Legislature, March 1873.*
- E-0-2 *Biennial Report of the State Superintendent of Public Education to the Legislature of Mississippi for the Scholastic Years 1889-1890 and 1890-1891.*
- E-0-3 *Biennial Report of the State Superintendent of Public Education to the Legislature of Mississippi for Scholastic Years 1891-1892 and 1892-1893.*
- E-0-4 *Biennial Report of the State Superintendent of Public Education to the Legislature of Mississippi for Scholastic Years 1899-1900 and 1900-1901.*
- E-0-5 *Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi for the Scholastic Years 1909-1910 and 1910-1911.*

E-0-6 *Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi for the Scholastic Years 1927-1928 and 1928-1929.*

E-0-7 *Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi for the Scholastic Years 1929-1930 and 1930-1931.*

E-0-8 *Twenty Years of Progress 1910-1930 and A Biennial Survey, Scholastic Years 1929-1930 and 1930-1931 of Public Education in Mississippi, Issued by W. F. Bond, State Superintendent of Education.*

[fol. 1024]

E-0-9 *Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi, for the Scholastic Years 1931-1932 and 1932-1933.*

E-0-10 *Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi, for the Scholastic Years 1933-1934 and 1934-1935.*

E-0-11 *Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi, for the Scholastic Years 1935-1936 and 1936-1937.*

E-0-12 *Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi, for the Scholastic Years 1937-1938 and 1938-1939.*

E-0-13 *Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi, for the Scholastic Years 1939-1940 and 1940-1941.*

E-0-14 *Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi, for the Scholastic Years 1941-1942 and 1942-1943.*

- E-0-15 *Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi, for the Scholastic Years 1943-1944 and 1944-1945.*
- E-0-16 *Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi, for the Scholastic Years 1945-1946 and 1946-1947.*
- E-0-17 *Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi, for the Scholastic Years 1947-1948 and 1948-1949.*
- E-0-18 *Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi, for the Scholastic Years 1949-1950 and 1950-1951.*
- E-0-19 *Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi, for the Scholastic Years 1951-1952 and 1952-1953.*
- E-0-20 *Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi, for the Scholastic Years 1953-1954 and 1954-1955.*
- [fol. 1025]
- E-0-21 *Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi, for the Scholastic Years 1955-1956 and 1956-1957.*
- E-0-22 *Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi for the Scholastic Years 1957-1958 and 1958-1959.*
- E-0-23 *Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi for the Scholastic Years 1959-1960 and 1960-1961.*

- E-0-24 *Biennial Report of the Secretary of State to the Legislature of Mississippi, Oct. 1, 1921, to Oct. 1, 1923.*
- E-0-25 *Biennial Report of the Secretary of State to the Legislature of Mississippi, Oct. 1, 1923, to Oct. 1, 1925.*
- E-0-26 *Biennial Report of the Secretary of State to the Legislature of Mississippi, Oct. 1, 1927, to Oct. 1, 1929.*
- E-0-27 *Mississippi Blue Book: Biennial Report of the Secretary of State to the Legislature of Mississippi, July 1, 1929, to July 1, 1931.*
- E-0-28 *Mississippi Blue Book: Biennial Report of the Secretary of State to the Legislature of Mississippi, July 1, 1933, to July 1, 1935.*
- E-0-29 *Mississippi Blue Book: Biennial Report of the Secretary of State to the Legislature of Mississippi (1943-1945).*
- E-0-30 *Mississippi Blue Book: Statistical Register of the State of Mississippi, issued by the Secretary of State for 1945-1949.*
- E-0-31 *Mississippi Official and Statistical Register, issued by the Secretary of State for 1949-1951.*
- E-0-32 *Mississippi Official and Statistical Register (1956-1960), issued by the Secretary of State of Mississippi.*
- E-0-33 *Mississippi Official and Statistical Register (1960-1964), issued by the Secretary of State of Mississippi.*
- E-0-34 *High Schools, Bulletin #23 (1921), State of Mississippi Department of Education.*
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- E-0-35 *Seventh Biennial Report and Brief Fourteen-Year Survey of Vocational Education in Mississippi to the Legislature of Mississippi for the Biennial Period Ending June 30, 1931.*

- E-0-36 *Twenty-First Biennial Report on Vocational Education in Mississippi for Biennial Period Ending June 30, 1959.*
- E-0-37 *A Report of the Committee of Investigation of the Teacher Training Facilities for Negroes in Mississippi, Bulletin #61 (1930), State of Mississippi, Department of Education.*
- E-0-38 *Let Us Pay for the Kind of Education We Need: Report of a Study of State and Local Support of Mississippi's Schools, William P. McLure, Director, Bureau of Educational Research, and Associate Professor of Education, School of Education, University of Mississippi.*
- E-0-39 *A Report to the People of Mississippi on the White House Conference on Education, Bulletin No. 140 (Dec. 1955), State Department of Education.*
- E-0-40 *Public Education in Mississippi; Reports of Advisory Study Groups to the Legislative Education Study Committee (Dec. 1961), vol. 1.*
- E-0-41 *Public Education in Mississippi: Report of Mississippi Legislative Education Study Committee, Dec. 1961.*
- E-0-42 *Biennial Report of the Board of Trustees of Mississippi State Institutions of Higher Learning, 1934-1935.*
- E-0-43 *Higher Education in Mississippi: A Report to the Board of Trustees, Institutions of Higher Learning (1945); Joseph F. Gibson, Director.*
- E-0-44 *Biennial Report of the Board of Trustees of State Institutions of Higher Learning, July 1, 1947, to June 30, 1949, to the State Legislature.*
- E-0-45 *Biennial Report of the Board of Trustees of State Institutions of Higher Learning from July 1, 1949; to June 30, 1951, to the State Legislature.*

- E-0-46 *Higher Education in Mississippi: A Survey Report to the Board of Trustees, Institutions of Higher Learning (1954)*, John E. Brewton, Director.

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- E-0-47 *Report of the State Educational Finance Commission, June 1, 1954-June 30, 1955*, Department Reports, State of Mississippi, Vol. 1, 1953-1955.
- E-0-48 *Biennial Report of the Board of Trustees of State Institutions of Higher Learning from July 1, 1953, to June 30, 1955*, to the State Legislature, Department Reports, State of Mississippi, Vol. 1, 1953-1955.
- E-0-49 *Report of the State Educational Finance Commission, July 1, 1959, to June 30, 1961*. Department Reports, State of Mississippi, Vol. 1, 1959-1961.
- E-0-50 *Biennial Report of the Board of Trustees of State Institutions of Higher Learning from July 1, 1959, to June 30, 1961, to the State Legislature, State of Mississippi*. Department Reports, State of Mississippi, 1959-1961.
- E-0-51 *Public Education in Mississippi: Reports of Advisory Study Groups (Vol. II), Institutions of Higher Learning, 1961*.
- E-0-52 *Libraries in Mississippi: A Report of a Survey of Library Facilities, 1946-1947*. Augusta B. Richardson, Chairman, State Survey Committee.
- E-0-53 *Twelfth Biennial Report of the Mississippi State Library Commission of the State of Mississippi, 1947-1949*.
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- E-0-55 *Fifteenth Biennial Report of the Mississippi Library Commission, July 1, 1953-June 30, 1955*.

- E-0-56 *A Survey of the Plant Facilities of the Public Schools of Mississippi: General Summary by the Mississippi State Department of Education (1934).*
 - E-0-57 *Public Schools for White Children, School Session 1954-1955. State of Mississippi Department of Education.*
 - E-0-58 *Public Schools for Negro Children, 1954-1955 School Session. State of Mississippi Department of Education.*
 - E-0-59 *Public Schools in Mississippi, School Session 1958-1959. Division of Administration and Finance, State Department of Education.*
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- E-0-60 *Public Schools in Mississippi, Session 1959-1960. Division of Administration and Finance, State Department of Education.*
 - E-0-61 *Public Schools in Mississippi, Session 1961-1962. Division of Administration and Finance, State Department of Education.*
 - E-0-62 *Mississippi Public Secondary Schools Enrollment and Staff, 1961-1962. Division of Administration and Finance, State Department of Education.*
 - E-0-63 *Special Salary Tabulations, Mississippi State Department of Education, Division of Administration and Finance (May, 1958).*
 - E-0-64 *Special Salary Tabulations, Mississippi State Department of Education, Division of Administration and Finance (March, 1963).*
 - E-0-65 *Statistical Data on School Session 1949-1950. Mississippi State Department of Education, Division of Administration and Finance.*
 - E-0-66 *Statistical Data, School Session 1951-1952. Mississippi State Department of Education, Division of Administration and Finance.*

- E-0-67 *Statistical Data, 1952-1953.* Mississippi State Department of Education, Division of Administration and Finance.
- E-0-68 *Statistical Data, 1953-1954.* Mississippi State Department of Education, Division of Administration and Finance.
- E-0-69 *Statistical Data, 1954-1955.* Mississippi State Department of Education, Division of Administration and Finance.
- E-0-70 *Statistical Data, 1955-1956.* Mississippi State Department of Education, Division of Administration and Finance.
- E-0-71 *Statistical Data, 1957-1958.* Mississippi State Department of Education, Division of Administration and Finance.
- E-0-72 *Statistical Data, 1958-1959.* Mississippi State Department of Education, Division of Administration and Finance.
- E-0-73 *Statistical Data, 1959-1960.* Mississippi State Department of Education, Division of Administration and Finance.
- E-0-74 *Statistical Data, 1961-62.* Mississippi State Department of Education, Division of Administration and Finance.

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- E-0-75 *Statistical Data, 1960-1961.* Mississippi State Department of Education, Division of Administration and Finance.
- E-0-76 *A Report to the Mississippi State Legislature by the Recess Education Committee, March 1953.*
- E-0-77 *Southern School News, February 1962.* (p. 6)
- E-38-1 *School Survey—The City of Natchez and Adams County.*

Survey published in 1955 by the Dept. of Educational Administration, Mississippi Southern Col-

lege, under the direction of Dr. Ralph S. Owings and Dr. Raymond M. Ainsley.

E-46-1 *School Survey—Amite County.*

Survey published in 1956 by the Dept. of Educational Administration, Mississippi Southern College, under the direction of Dr. Ralph S. Owings.

E-14-1 *The Report of a Survey of the Public Schools of Benton County.*

Survey published in June 1956 by the Bureau of Educational Research, School of Education, University of Mississippi, under the direction of Dr. John E. Phay.

E-39-1 *School Survey—The City of Port Gibson and Claiborne County.*

Survey published in 1955 by the Dept. of Educational Administration, Mississippi Southern College, under the direction of Dr. Ralph S. Owings and Dr. Raymond M. Ainsley.

E-29-1 *The Report of a Survey of the Public Schools of Clay County and West Point Separate School District.*

Survey published in May 1956 by the Bureau of Educational Research, School of Education, University of Mississippi, under the direction of Dr. John E. Phay.

E-67-1 *School Survey—Covington County.*

Survey published in 1956 by the Dept. of Educational Administration, Mississippi Southern College, under the direction of Dr. Ralph S. Owings.

[fol. 2030]

E-68-1 *School Survey—The City of Hattiesburg and Forrest County.*

Survey published in 1955 by the Dept. of Educational Administration, Mississippi Southern College, under the direction of Dr. Ralph S. Owings and Dr. R. A. Ainsley.

E-69-1 *School Survey—Greene County.*

Survey published in 1956 by the Dept. of Educational Administration, Mississippi Southern College, under the direction of Dr. Ralph S. Owings.

E-48-1 *School Survey—Franklin County.*

Survey published in 1955 by the Dept. of Educational Administration, Mississippi Southern College, under the direction of Dr. Ralph S. Owings.

E-77-1 *School Survey—George County.*

Survey published in 1956 by the Dept. of Educational Administration, Mississippi Southern College, under the direction of Dr. Ralph S. Owings.

E-16-1 *The Report of a Survey of the Public Schools of Grenada County and Grenada Separate School District.*

Survey published in July 1956 by the Bureau of Educational Research, School of Education, University of Mississippi, under the direction of Dr. John E. Phay.

E-50-1 *The Report of a Survey of the Public Schools of Holmes County, Durant Separate School District and Lexington Separate School District.*

Survey published in June 1956 by the Bureau of Educational Research, University of Mississippi, under the direction of Dr. John E. Phay.

E-80-1 *Separate School Districts of Lyon, Moss Point, Ocean Springs, and Pascagoula and Jackson County.*

Survey published in 1956 by the Dept. of Educational Administration, Mississippi Southern College, under the direction of Dr. Ralph S. Owings.

E-41-1 *School Survey—Jefferson County.*

Survey published in 1955 by the Dept. of Educational Administration, Mississippi Southern College, under the direction of Dr. Ralph S. Owings and Dr. Raymond M. Ainsley.

[fol. 1031]

E-70-1 *School Survey—Jefferson Davis County.*

Survey published in 1956 by the Dept. of Educational Administration, Mississippi Southern College, under the direction of Dr. Ralph S. Owings.

E-71-1 *The Report of a Survey of the Public Schools of Jones County and the Laurel and Ellisville Separate School Districts.*

Survey published in November 1956 by the Bureau of Educational Research, School of Education, University of Mississippi, under the direction of Dr. John E. Phay.

E-73-1 *School Survey—Lawrence County.*

Survey published in 1956 by the Dept. of Educational Administration, Mississippi Southern College, under the direction of Dr. Ralph S. Owings.

E-74-1 *School Survey—City of Columbia and Marion County.*

Survey published in 1955 by the Dept. of Educational Administration, Mississippi Southern College, under the direction of Dr. Ralph S. Owings.

E-18-1 *The Report of a Study of the Holly Springs Separate School District.*

Survey published in August 1949 by the School of Education, University of Mississippi.

E-4-1 *The Report of a Survey of the Public Schools of Panola County and Como and Sardis Separate School Districts.*

Survey published in December 1955 by the Bureau of Educational Research, School of Education, University of Mississippi, under the direction of Dr. John E. Phay.

- E-81-1** *School Survey—The Cities of Picayune and Poplarville and Pearl River County.*

Survey published in 1955 by the Dept. of Educational Administration, Mississippi Southern College, under the direction of Dr. Ralph S. Owings.

- E-54-1** *School Survey—The Separate School Districts of Fernwood, Magnolia, McComb, Osyka, and Summit and Pike County.*

Survey published in 1956 by the Dept. of Educational Administration, Mississippi Southern College, under the direction of Dr. Ralph S. Owings.

[fol. 1032]

- E-35-1** *The Report of a Survey of the Public Schools of Prentiss County and Baldwin Separate School District.*

- E-75-1** *School Survey—City of Richton and Perry County.*

Survey published in 1955 by the Dept. of Educational Administration, Mississippi Southern College, under the direction of Dr. Ralph S. Owings.

- E-5-1** *The Report of a Survey of the Public Schools of Quitman County and Marks Separate School District.*

Survey published in December 1955 by the Bureau of Educational Research, School of Education, University of Mississippi, under the direction of Dr. John E. Phay.

- E-32-1** *School Survey—Stone County.*

Survey published in 1955 by the Dept. of Educational Administration, Mississippi Southern College, under the direction of Dr. Ralph S. Owings and Dr. Raymond M. Ainsley.

- E-12-1** *The Report of a Study of the Education for Negroes in Sunflower County.*

Survey published in March 1950 by the Bureau of Educational Research, School of Education,

University of Mississippi, under the direction of Dr. John E. Phay.

- E-6-1 *The Report of a Survey of the Public Schools of Tallahatchie County.*

Survey published in April 1955 by the Bureau of Educational Research, School of Education, University of Mississippi, under the direction of Dr. John E. Phay.

- E-22-1 *The Report of a Survey of the Public Schools of Union County and New Albany Separate District.*

Survey published in January 1956 by the Bureau of Educational Research, School of Education, University of Mississippi, under the direction of Dr. John E. Phay.

- E-66-1 *School Survey—Wayne County.*

Survey published in 1956 by the Dept. of Educational Administration, Mississippi Southern College, under the direction of Dr. Ralph S. Owings.

[fols. 1033-1269]

- E-24-1 *The Report of a Survey of the Public Schools of Yalobusha County.*

Survey published in June 1956 by the Bureau of Educational Research, School of Education, University of Mississippi, under the direction of Dr. John E. Phay.

- E-0-78 Speech of Governor Vardaman of Mississippi quoted in the Jackson, Mississippi *Daily Clarion-Ledger*: July 11, 1907

- E-0-79 *Message by Governor Fielding L. Wright to the Joint Session Mississippi Legislature, January 3, 1950.*

- E-0-80 *Message from Governor White to the Senate of Mississippi, 1953*

Extraordinary Session Senate Journal, p. 970.

[fol. 1270] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

Civil Action No. 3312

[Title -omitted]

ANSWERS TO INTERROGATORIES OF STATE OF MISSISSIPPI; MRS.
PAULINE EASLEY, CIRCUIT CLERK AND REGISTRAR OF CLAI-
BORNE COUNTY; J. W. SMITH, CIRCUIT CLERK AND REGIS-
TRAR OF COAHOMA COUNTY; T. E. WIGGINS, CIRCUIT CLERK
AND REGISTRAR OF LOWNDES COUNTY—filed September 3,
1963.

Answers

Appendix A

[fol. 1271] ANSWER TO INTERROGATORY No. 3 STATE OF MISSISSIPPI

White political supremacy means an active policy to assure political control at every level of government to white citizens and to exclude Negroes as a group from any effective power in the political power structure.

[fol. 1272] Answers to Interrogatories Nos. 5(a-d)
State of Mississippi

The factual basis for the allegation that Mississippi since 1890 has by law, custom and usage maintained and promoted white political supremacy and a racially segregated society is set out in Appendix A and Appendix B (attached hereto) in answer to Interrogatories Nos. 7(h-j) involving white primary elections, in answer to Interrogatories Nos. 11(a-b) involving inferior educational opportunities provided for Negroes, and the answers to Interrogatories Nos. 1, 6, 9 and 13 involving registration and voting statistics, all of which is herein incorporated by reference. In addition, a racially segregated society in Mississippi has been promoted and maintained officially by the adoption of Mississippi constitutional and statutory provisions requiring segregation of the races.

The name, official capacity of each person where known who has furthered, maintained and promoted white political supremacy and the manner in which it was effected are set out in connection with the specific occurrences or events in the said Appendices A and B, and in answers involving white primary elections and unequal educational opportunities provided for Negroes.

The segregation which is officially recognized and required by the Mississippi laws has been accomplished by representatives of the people of the State of Mississippi in its legislature; the maintaining of a segregated society has been accomplished by the adoption of laws requiring segregation.

[fol. 1273] The acts of the defendant State, as distinguished from the other defendants, toward maintaining white political supremacy and a segregated society, are all the acts described in this answer. In addition, the acts

of the other defendants are acts of the defendant State—acting through its agents and officials.

[fol. 1273-A] Answers to Interrogatories Nos. 7(a-b)
State of Mississippi

Answer to Interrogatory No. 2(b) Wiggins

A. The factual basis for the claim that white political supremacy has been promoted and maintained in Mississippi is set out in Appendix A, herein incorporated. Appendix A sets out the factual information presently known to plaintiff. The Appendix is divided into methods whereby white political supremacy is maintained; within each category the information is divided by county and within each county the information is set out chronologically.

B. Other methods of maintaining white political supremacy other than those set out in the Complaint are: the refusal to permit Negroes to pay their poll taxes, and the unreasonable and arbitrary delays encountered by Negroes attempting to register to vote.

[fol. 1274] Answers to Interrogatories Nos. 7(c-g) State
of Mississippi

Answers to Interrogatories Nos. 2(a, c, d, f, 6) Wiggins

Answer to Interrogatory No. 1 Easley

Answers to Interrogatories Nos. 2(a-f, j) Smith

In answer to these subparagraphs of Interrogatory No. 7, the names and addresses and other background information of Negroes who have not been allowed to register, who have been required to interpret sections of the Constitution, and who have been subjected to the other methods by white officials in promoting white political supremacy described in answer to Interrogatory No. 7 (above), the officials and full factual circumstances are set out in Appendix A attached hereto and herein incorporated. Appendix A is arranged (1) by subject matter (methods of maintaining white political supremacy), and (2) by county within each subject matter, and (3) chronologically within each county. Appendix A includes the period prior to the effective date of the legislation implementing Section 244 (March 24, 1955). Information not given, such as

address of officials or official capacity of the particular officials, is not known.

Lowndes #32

Claiborne #39

Coahoma #2

[fol. 1275] Answer to Interrogatory No. 8 State of Mississippi

The allegation in paragraph 23 that a much higher percentage of Negroes of voting age in Mississippi were literate in 1951 than in 1890 is admitted in paragraph 23 of the answer of the defendant State of Mississippi.

[fol. 1276] Answers to Interrogatories Nos. 12 (a-b).
State of Mississippi

Paragraph 35 of the Complaint charges that the 1954 Amendment to Section 244 has the effect of placing the burden of the new and additional registration requirements of Section 244 more heavily on Negro citizens in Mississippi than on white citizens. At the time of the adoption of the Amendment to Section 244, the majority of white citizens were registered voters, whereas less than 5% of the Negroes of voting age were registered to vote. The small percentage of Negroes registered to vote was due to the adoption of the Constitution of 1890 and particularly, adoption of Section 244 in 1890, and following that due to the discriminatory practices described in answer to Interrogatory No. 7. These practices have effectively accomplished the purpose of Section 244 in restricting the Negro franchise and in maintaining white political supremacy and segregation in Mississippi. The imposition of the new and onerous requirements of the Amendment to Section 244 following a period of discriminatory treatment of Negroes permanently imbeds the past illegal conduct into the registration system in Mississippi. This would be true even if the new system under Section 244 had been fair and reasonable and had been administered without regard to race. Under the Amendment to Section 244, white persons who possess minimal literacy qualifications and who received favored treatment prior to the adoption will forever be exempt from the new

The facts relied upon to support the allegation of comparative effect of the Amendment to Section 244 on Negroes and white persons are set out in Appendix A attached; the statistics of Negro registration (answer to Interrogatories Nos. 1, 6, 9, 13), the white primary elections (answer to Interrogatories Nos. 7(h-j)), and the information as to inferior education provided for Negroes (answer to Interrogatories Nos. 11(a-b)). The plaintiff does not presently know the persons whom it intends to call as witnesses to prove this allegation other than registrars and former registrars of voters in the State of Mississippi.

[fol. 1278] Answers to Interrogatories Nos. 14(a-d)
State of Mississippi

Answer to Interrogatory No. 7 Wiggins
Answers to Interrogatories Nos. 2, 3 Easley
Answers to Interrogatories Nos. 3(a-c) Smith

The factual basis for the allegation in paragraph 41 of the Complaint that the defendants and their agents and officials are using and will continue to use the interpretation and duties and obligations tests to deprive otherwise qualified Negro citizens of the right to vote because of race and that these deprivations have occurred by the adoption and use of the interpretation and duties and obligations tests is set out in Appendix B which is attached hereto and incorporated by reference.

In Appendix B there are three parts to each county analysis. The period covered by Appendix B is from March 24, 1955 to date. Part I states the individual experiences and full factual circumstances, if known, of each Negro who has been deprived of the right to vote because of the interpretation test and duties and obligations test.

Also, the public official involved in such deprivation is named where known. The number in the left-hand column of the Part I in each county refers to the answers to Interrogatories Nos. 23 and 24 requesting the names of persons who have been interviewed or given statements. For convenience, the full background data, name, address, literacy level, age and occupation (where called for) are set out in those answers and merely referred to by number in Appendix B.

Part II of each county in Appendix B deals with an analysis of the application forms in the county. This analysis is made to demonstrate the various ways in which [fol. 1279] Negro applicants have, because of the discretion vested in the county registrars, not been accorded the favored treatment accorded to whites registering to vote in these particular counties.

Part III within each county is a list of Negroes who have been deprived of the right to register and to vote by use of the interpretation test, and duties and obligations test, good moral character test, and the perfect application form requirement. In many instances, the precise basis for the rejection of any particular applicant is not known other than that it was some deficiency in the completion of the application form. Also, there are many counties in which application forms of rejected Negroes have not been obtained. Accordingly, the only Negroes listed in Part III of Appendix B by county are those for which we have some specific basis, either by an analysis of the application forms, or by personal interview, for believing that the particular applicant was rejected either because of the interpretation test, the duties and obligations test, the good moral character requirement, and/or the perfect application form requirement. Rejected Negroes who are listed in Part I of Appendix B who completed application forms, who may not also be listed in Part III, were also deprived of the right to vote because of the interpretation test and duties and obligations test with the qualification that the precise basis for rejection is not presently known.

In Appendix B the fact that either Parts I, II or III are missing for particular counties indicates that the investigation or records analysis is incomplete. Full ad-

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tion, the census figure and statistics of Negro registration and voting as set out in answers to Interrogatories Nos. 9 and 13(a) are part of the factual basis to prove the allegation that the effect of the interpretation test and the duties and obligations test has been and is, and in view of the statistics, will continue to be, a deterrence to otherwise qualified Negroes from applying for and becoming registered voters in the State of Mississippi.

[fol. 1283] Answer to Interrogatory No. 15, State of Mississippi

The information requested as to the purpose of the good moral character requirement of Section 241-A of the Mississippi Constitution is set out in answer to interrogatory number 15(a) and herein incorporated. With respect to the alleged effect of the good moral character requirement, the factual basis that its use will subject a vast majority of Negroes of voting age in Mississippi to this requirement and exempt the majority of the white citizens of voting age is the census figures and statistics on registration and voting which are set out in answers to interrogatories numbered 9 and 13(a) and herein incorporated. The factual basis that this good moral character requirement is another device to discriminate against Negroes and makes detection of discrimination more difficult is that Section 241-A vests in the local county registrar unlimited discretion to make determinations without any limiting or objective criteria of the good moral character of any applicant.

[fol. 1284] Answer to Interrogatory No. 15(b)

The plaintiff does not presently know which witnesses, if any, it will call to prove the alleged purpose of Section 241(a) of the Mississippi Constitution.

[1285] Answers to Interrogatories Nos. 15(c-d)

H.B. 899 is the legislation which inserts in the Mississippi statutes the constitutional requirement of good moral character under Section 241-A. The facts which show its purpose are set out in answer to interrogatory numbered 15(a). It is part of the package of legislation in 1962. The

factual data showing the purpose of the 1962 legislation is set out in answer to interrogatory numbered 18.

Plaintiff does not presently know what witnesses, if any, it will call to prove the alleged purpose of H.B. 899.

[fol. 1286] Answers to Interrogatories Nos. 15(e-f)

H.B. 905 provides that the registration application form contain a means of determining good moral character.

The purpose of H.B. 905 is the same as the purpose of Section 241-A and the answer to interrogatory numbered 15(a) is herein incorporated. In addition, H.B. 905 was part of the package of legislation enacted in 1962 which is under attack and the factual basis of the allegation as to its purpose is set out in answer to interrogatory numbered 18 and herein incorporated.

Plaintiff does not presently know which witnesses, if any, it intends to call to prove the alleged purpose of H.B. 905.

[fol. 1287] Answers to Interrogatories Nos. 15(g-j), State of Mississippi

Answers to Interrogatories Nos. 6, 7 Easley

The full factual basis setting forth for the purpose of H.B. 822 (publication) and H.B. 904 (the challenge provision) is set out in answer to interrogatory numbered 18, and herein incorporated.

Plaintiff does not presently know which witnesses, if any, it will call to prove the alleged purpose of H.B. 822 and H.B. 904.

Plaintiff does not presently know of any Negroes denied the right to vote under H.B. 822 and H.B. 904 in Claiborne County.

[fol. 1288] Answer to Interrogatories Nos. (16 1-3)
State of Mississippi

Answer to Interrogatories Nos. 4, Wiggins

Answer to Interrogatories Nos. 4 1-3, Smith

The factual basis for the allegation that the good moral character qualification in Mississippi had deterred qualified Negro citizens from applying to register to vote is:

1. That the imposition of the new and additional requirement of good moral character together with its implementing legislation requires the applicants to return to the registrars' offices after publication of their names for two consecutive weeks in the county newspapers, and often the applicant is not permitted to determine whether he passed or failed if the registrar is out.

2. In addition, the requirement of publication of the names in the newspaper has an inevitable deterrent effect because it subjects Negroes to economic pressures by making public their efforts to register in areas where it is unpopular for Negroes to register or vote.

The full factual circumstances of the effect of the unreasonable delays imposed by the good moral character requirements and the possible subjection to private intimidations is set out in Parts I of Appendix B attached hereto and incorporated. (See George County, Jefferson Davis County and Tallahatchie County as to the experiences of Negroes whose names appeared in newspapers in connection with registration or voter registration suits.)

[fol. 1289] - Answers to Interrogatories Nos. 16 (b1-b7)
State of Mississippi

Answers to Interrogatories Nos. 4, 8 Wiggins

Answers to Interrogatories No. 5 Easley

Answers to Interrogatories Nos. 4(b1)-4(b4) Smith

The factual basis for the assertion in paragraph 52 of the Complaint that the use and threatened use of the good moral character requirement deprives Negro citizens of the right to register to vote without distinction of race, and that the deprivations by virtue of the adoption and use of this requirement are pursuant to a pattern and practice or racial discrimination. The individual act of the defendant State which constitutes the pattern and practice of racial discrimination is the adoption by the State of Mississippi of the good moral character requirement in a setting of white political supremacy and a segregated society. The adoption of such an unconstitutional requirement is in and of itself a pattern and practice of racial discrimination.

The names, addresses, etc., and the full factual circum-

stances of each deprivation, the use of the character requirement, the public officials involved, and private citizens involved, if known, are set out in Parts I and III of Appendix B attached hereto and herein incorporated, to the extent that the information requested is known to the plaintiff.

Presently, Plaintiff has no information as to the discriminatory administration of the requirement. The use of a statute which is unconstitutional in violation of the Fifteenth Amendment renders each application of the statute *per se* discriminatory.

[fol. 1290] Answer to Interrogatory Nos. 17(a-g),
State of Mississippi

The factual basis for the allegation that the purpose of Section 3209.6 of the Mississippi Code as amended in 1960 was to frustrate federal protection of voting rights and to facilitate discrimination by county registrars is set out in answer to Interrogatory No. 15a. That answer is herein incorporated by reference.

In 1960 the Congress of the United States was debating the adoption of a Title III of the Civil Rights Act of 1960 requiring registrars to preserve and maintain registration and voting records and produce such records on written demand from the Attorney General of the United States. As set out in answer to Interrogatory 15a, during the course of this debate the legislature of Mississippi introduced a bill in the Mississippi Legislature, and enacted it into law (Section 3209.6 as amended), permitting destruction of application forms, which were theretofore required by Mississippi law to be maintained as permanent public records. The effect of permitting destruction of sworn written application forms was to permit local county registrars in their discretion to deny, by destruction, to the federal government the best evidence available to detect and determine racial discrimination by such registrars. [fol. 1291] Plaintiff does not presently know the names, addresses and official capacity of persons who were instrumental in enacting the records destruction statute.

The plaintiff does not know which witness, if any, it will call to prove the allegations in paragraph 59 except regis-

trars of voters in the counties in Mississippi or former registrars.

The specific documents which will be used to prove this allegation are the sworn written application forms in the counties in Mississippi which show the absence of registration application forms prior to certain periods in the various counties. The factual information we have as to the date of the first form retained is described in Parts II by county of Appendix B, attached hereto, which is herein incorporated.

The factual basis for the claim that the statute permitting destruction of records is an integral part of a pattern and practice of discrimination is set out in answer to Interrogatory Number 15a (herein incorporated) which shows the legislative setting of the adoption of this statute.

The plaintiff does not presently know which, if any, witness it will call to prove this allegation other than the registrars and former registrars of voters in Mississippi. The documents to be used to prove the allegation of pattern and practice are the same as those to be used to prove the purpose of the statute.

[fol. 1292] Answers to Interrogatories Nos. 18e-18pp
 State of Mississippi

Answers to Interrogatories Nos. 5a-b Wiggins
Answers to Interrogatories Nos. 7a-b Smith

The names and addresses and full background information on Negroes who have been, are being and will be deterred, hindered, prevented, delayed, harassed and who have had more difficulty in registering under the following statutes are set out in Appendix B, Part I, by county. (Incorporated herein.)

H.B. 900 requires the perfect application form as a prerequisite to registration.

H.B. 901 (which is not under attack in the Complaint) eliminates the designation of race in the poll books.

H.B. 905 provides space on the application form for the good moral character requirement.

H.B. 822 provides the procedure for publication of names of applicants in the newspapers.

H.B. 904 provides the procedure for challenging the good moral character.

H.B. 903 provides the manner in which the indication of whether or not applicant is accepted or rejected is placed on the form and directs the registrar not to give reasons for rejections because that might be assistance on subsequent application forms.

[fol. 1293] All of these bills are part of the package of legislation adopted shortly after the decision of the Court of Appeals in *U.S. v. Lynd*. (See Answer to Interrogatory No. 18.)

These bills have the effect of deterring, harassing, delaying, preventing Negroes from becoming registered voters because each applicant must now complete a letter-perfect application form, cannot be advised for at least a month (for publication, and a waiting period for challenges) of whether he has passed or failed, must return to the registrar's office to determine whether he has passed or failed, and if he has failed is not permitted to obtain the reason for such failure.

This legislation also makes it more difficult because of the perfect form requirement to become a registered voter. The burden of these new procedures is imposed principally on Negroes because at the time of the adoption of these new procedures a majority of the white people were registered to vote and were not required to comply with such procedure whereas less than 5 percent of the Negroes were so registered.

Plaintiff does not know which witnesses will be called to prove the deterrent effect of the 1962 legislation other than the registrars and former registrars of the counties in Mississippi.

[fol. 1294] Answer to Interrogatory No. 19a, State of Mississippi

Paragraph 69 of the Complaint does not allege that the defendant State has applied the requirements for registration for voting mentioned in paragraphs 66 and 69 of the Complaint. Insofar as the defendant State acts through its agents including the defendant registrars it has applied such requirements acting through its agents and officials as set out in answer to Interrogatory No. 18a-pp.

[fol. 1295] Answer to Interrogatory No. 19(b-g) State
of Mississippi

The factual basis relied upon that the existence and use of the new registration requirements adopted in 1962 deters and deprives Negroes of the right to vote without distinction of race or color pursuant to a pattern and practice of discrimination is set out in answer to Interrogatory No. 18 (purpose). In addition, the information with respect to the Negroes and the specific occurrences of use of these requirements is set out in Appendix B, Parts I and III, which is attached and incorporated.

The pattern and practice of racial discrimination includes all of the events and occurrences described since the adoption of the new legislature in Appendix B, and in addition the adoption and use of these new onerous and unconstitutional requirements in a setting of white political supremacy in a segregated society where a majority of the white persons were registered to vote at the time of the adoption of the requirements and less than 5 percent of the Negroes who were so registered is and in and of itself a pattern and practice of discrimination.

[fol. 1296] Answers to Interrogatory No. 20(a-c) State
of Mississippi

Plaintiff intends to charge that the affect of treatment accorded to Negroes who attempt to register as set out in Part I of Appendix B attached hereto operates as a deterrent to other Negroes from applying for and becoming registered voters.

[fol. 1297] Answer to Interrogatory No. 21 State
of Mississippi

Answer to Interrogatory No. 16 Wiggins

Answer to Interrogatory No. 16 Smith

Plaintiff does not know what witnesses it presently intends to call on the trial of this case except the registrars and former registrars of voters in Mississippi. A list of the names and addresses of such witnesses and what we intend to prove by such witnesses will be furnished as soon as possible.

[fol. 1302] Answer to Interrogatory No. 9 Wiggins

Answers to Interrogatories Nos. 8, 9 Smith

The names, addresses, and full factual circumstances of persons denied the right to register to vote or were delayed harrassed are set out by county in Appendix B attached and incorporated.

[fol. 1303] Answer to Interrogatory No. 10 Smith

Part II of Coahoma County in Appendix B attached hereto and incorporated herein is an analysis of the Accepted and rejected application forms in Coahoma County. In this analysis plaintiff has indicated the distribution of certain constitution sections on a discriminatory basis, the assistance to white persons on the duties and obligations question, and the discriminatory grading of certain application forms of Negroes as compared with forms of white persons. Plaintiff's analysis is not complete enough at this time to list the name, address, and age of applicant and serial number of application of each accepted and rejected form which plaintiff will use to prove discriminatory selection of sections, assistance to white persons but not Negroes on questions 19 and 20 and discriminatory grading of the forms, but plaintiff will do so as soon as it can and submit the information in supplemental answers.

[fol. 1304] Answer to Interrogatory No. 11 Smith

Plaintiff does not presently know of any entries, errors or omissions on other than voting registration applications which it intends to use in the trial, nor does it presently believe that defendant Smith rejects applicants for errors or omissions on their forms.

[fol. 1305] Answer to Interrogatory No. 10 Wiggins

The names and addresses of Negroes in Lowndes County who have been delayed, prevented, hindered, harassed or discouraged from applying to register to vote and the full factual circumstance of each occurrence is listed in Part I of Appendix B.

[fol. 1306] Answer to Interrogatory No. 11 Wiggins

Part II of Lowndes County in Appendix B attached hereto and incorporated herein is an analysis of the application forms filed in Lowndes County. The 563 white persons who received Section 1 to interpret since November 18, 1960, were offered opportunities to register not offered the Negro citizens who were required to interpret Sections 16 and 21 and other different sections. As set out in part II plaintiff believes that many of the white persons in Lowndes County were also assisted in interpreting the Constitution and giving a statement of duties and obligations. Plaintiff does not presently know the names and addresses of white persons it intends to call as witnesses who have been offered opportunities to register denied to Negroes but will furnish such a list as soon as plaintiff can.

The following Negro citizens of Lowndes County were denied opportunities to register to vote in Lowndes County which opportunities were provided white persons in that they were given more difficult sections to interpret and/or were given no assistance and/or were graded more particularly and rejected. See also Part I Lowndes County in Appendix B attached hereto and incorporated herein.

Name	Age	Occupation	Address
Alexander, Lillie S.	26	Housewife	724 19th St. N.
Ames, Castella H.	46	Housewife	609 10th Ave. S.
Brown, Fred Lee	39	Ins. Agent	1213 N 18th St.
[fol. 1307]			
Brown, Linward Lee	28	Student	Rt. 5, Box 20
Carter, Annie C.	45	Manager	1405 S. 6th St.
Carter, Nina L.	46	Housewife	1009 N 16th St.
Carter, Willis J. Jr.	20	College Std.	1009 N 16th St.
Carter, Willis J. Sr.	46	Labor	1009 N 16th St.
Clayborn, Dave	42	Labor	1517 9th Ave. N.
Darnell, Edward	23	Student	Rt. 5 Box 192 1mi. N. Blue Cutt Rd.
Fisher, Isaac M.	37	Teacher	712 12th St. N.
Glenn, James	66	Farming	10 miles No. of Columbus.
Johnson, Archie L. W.	48	Teacher	1203 S. 6th Ave.
Kimbrough, Dell	49	Barber	1509 N. 5th Ave.
Kimbrough, Mamie	48	Housewife	1509 N. 5th Ave.
Murray, Vernice M.	48	Teacher	724 17th St. N.
Smith, Mary Stanton	49	Cafe Operator	1215 S. 5th St.
Payton, Otis D.	33	Teacher	1813 23rd St. N.
Richardson, George W.	63	Barber	1609 9th Ave. N.
Stalling, Eulice	25	Cab Driver	1301 6th St. S.
Taylor, Vester, Jr.	21	Taxi Driver	1/2 mile West Highway 82.
Thornson, Jeddi J.	55		1219 6th St. S.

Name	Age	Occupation	Address
Tucker, B. C.	64	Meat Cutter	1014 Military St.
Wesbury, Sander E.	29	Truck Dr.	1602 23rd St. N.
Wheadon, Augusta A.	67	Housewife	802 N. 14th St.
Williams, Charles	39	Paint and body repair (Auto)	225 24th St. S.

[fol. 1308] Answer to Interrogatory No. 12 Wiggins

Part II and III of Lowndes County in Appendix B attached hereto and incorporated herein is an analysis of the application forms filed in Lowndes County. Part III lists Negroes who were as qualified as white persons registered to vote in Lowndes County. The answer to interrogatory No. 11 of defendant Wiggins lists additional Negroes who were as qualified as white persons registered in Lowndes County. Plaintiff does not presently know the names and addresses of white persons it intends to call as witnesses who have been registered to vote in Lowndes County and are no better qualified than Negro citizens denied registration, but will furnish such a list in supplemental answers as soon as it can.

[fol. 1309] Answer to Interrogatory No. 8 Easley

On January 22, 1962, Maria Teresa Cueller, a white citizen of Claiborne County, residing at 803 Church Street, Port Gibson, registered to vote at the office of the Circuit Clerk, Port Gibson, Mississippi. A white woman in the office, presumably the defendant Easley, told her where to sign her application form and also told her what her precinct was. The two women were in the office alone when this occurred. Plaintiff is still investigating and presently knows of no other instance in which this defendant or her alleged agents assisted white applicants in filling out application forms in respect to their precinct or where the applicant was to sign the application form.

[fol. 1310] Answer to Interrogatory No. 9 Easley

Plaintiff is not presently aware of any Negro citizens who have been denied the right to register to vote by this Defendant, or her alleged agents by the operation of House

Bill No. 900, the perfect form requirement. The rejected Negroes have not been told the basis for rejections, and it is believed that all rejects were denied on the basis of the interpretation test.

[fol. 1311] Answer to Interrogatory No. 10 Easley

Plaintiff does not presently know of any Negro citizen in Claiborne County who have been denied the right to appeal the registrar's decision under State law.

[fol. 1312] Answer to Interrogatory No. 11 Easley

All instances presently known to plaintiff of citizens of Claiborne County who were registered to vote prior to the 1956 re-registration being denied the right to re-register without formality are set forth with requested details in Part 1 of the Claiborne County, Appendix B.

The incidents are set forth in Part I, Appendix B as follows:

Page No.	Number Assigned to Negro Applicant
39-1	11014 (3 attempts listed) 11000 11005
39-2	11005 (2 attempts listed)
39-3	11005 11014
39-4	(entire page)
39-5	11014 (3 attempts listed) 11017
39-6	11005 (2 attempts listed)

[fol. 1313] Answers to Interrogatory No. 14 Easley

All instances presently known to Plaintiff of Negro citizens being delayed, prevented, hindered, harassed or discouraged from applying to register to vote on account of race or color by this Defendant or her alleged agents are set forth with requested details in Part I of Claiborne County, Appendix B. These incidents commence with the last item on page 39-1 and include all incidents on 39-2 and 39-3.

[fol. 1314] Answer to Interrogatory No. 15 Easley

Plaintiff presently is aware of the following white citizens of Claiborne County who have been afforded opportunities to register to vote by this Defendant or her alleged agents which have been denied to Negro applicants for registration:

A. Julius Gage Hynum, Route 1, Box 70, Port Gibson (October 26, 1961) was permitted by Mrs. Easley to have the section of the Constitution assigned him in front of him while interpreting it. He also asked and was told by her what to put as his answer to item 20.

B. Maria Teresa Cueller, who was told her precinct by Mrs. Easley and where to sign her name. (See Answer to Interrogatory 8 hereof for full details.)

Plaintiff knows of no Negro citizens of Claiborne County who have been told the answer to item 20, their precinct or where to sign their names. Negro registration experiences Plaintiff is presently aware of are set forth in Part I, pages 39-1 through 39-6.

Instances of two Negro citizens being denied by Mrs. Easley of the opportunity to look at their assigned section of the Constitution while they were interpreting it are set forth on page 39-6 for the Negro citizens assigned the numbers 11005 (first incident) and 11016.

[fol. 1315] Answer to Interrogatory No. 16 Easley

Plaintiff does not presently have sufficient information concerning the white citizens allowed or permitted to register to vote in Claiborne County by this Defendant or her agents to answer this interrogatory.

[fol. 1316] DISTRICT OF COLUMBIA.

Before me, the undersigned Notary Public, personally came and appeared John Doar, Attorney, United States Department of Justice, who being by me first duly sworn, did depose and say:

That he is the person who has signed the above and foregoing Answers to Interrogatories of State of Mississippi,

J. W. Smith, Mrs. Pauline Easley, and T. E. Wiggins, in his capacity as Attorney for the United States Department of Justice and that the answers given over his signature are true and correct to the best of his knowledge.

John Doar.

Sworn to and subscribed before me this 30th day of August, 1963.

Linda K. Stores, Notary Public.

My Commission expires: 8/31/63.

(Seal.)

[fol. 1317]

Appendix A

Information Prior to March 24, 1955

.

[fol. 1318] This section deals with the experiences of Negroes who tried to participate in voting in Mississippi prior to March 24, 1955, the effective date of the Constitutional Interpretation Test. There are four major categories, which are:

1. Negroes who were required to read and interpret sections of the Constitution.
2. Negroes who encountered substantial delays by local registration officials in their efforts to become registered.
3. Negroes who were refused the right to apply for registration.
4. Negroes who were not permitted to pay their poll taxes.

The format of this section, which is also the format of Part I of the post-March 24, 1955 sections, is as follows:

The number in the left-hand column is an identifying number assigned to the particular Negro. This identifying number refers to the plaintiff's answer to interrogatories numbered 23 and 24 of the State of Mississippi. From this number the name, address, age, education and other background information, and the type of statement which the person gave can be located.

[fol. 1319] The next column involves the date of the particular occurrence, the official involved, and the results of the occurrence. The official capacity of white persons involved are noted by the designation "R" for Registrar. In case of sheriff or deputy, that is also indicated. Where no official capacity is indicated, the individual was an employee or agent of the sheriff or registrar and his or her precise official capacity is not known.

The paragraph which is on the right-hand side of the page is a statement of the factual circumstances involved in each occurrence. The place where the events occurred

are the registrar's office or the sheriff's office in the county seat of the county. The county seats are listed with each group of summaries.

Omissions, such as date, name of white persons in the office of the registrar or sheriff means that we do not have the specific information requested.

Interrogatories Number 7 of the State of Mississippi requests information from 1890 to 1952. In this section the events are arranged chronologically so that cut-off date for that particular interrogatory may be conveniently ascertained.

In Interrogatory Number 7, the request for information concerning the white primary is not included in this section. The white primary material is dealt with in a separate section.

[fol. 1320] NEGROES WHO WERE REQUIRED TO READ AND
INTERPRET SECTIONS OF THE CONSTITUTION.

[fol. 1321] Clarke #59

County Seat: Quitman, Mississippi

12017 Early 1930's Registrar asked him meaning of ex-
Rejected post facto laws, who is governor of
Registrar Miss., and other questions. He an-
swered the questions and was re-
jected for registration.

12017 1930's Registrar read section of law to him
Rejected and he was then required to inter-
Registrar pret the section. He was rejected.

[fol. 1322] Clay #29

County Seat: West Point, Mississippi

13002 1945 He attempted to register in 1945
Rejected after he got out of the Army. Was
given a section of "Miss. Law" to
interpret. After giving his interpre-
tation he was told he would be noti-
fied. He was never notified.

[fol. 1323] Forrest #68

County Seat: Hattiesburg, Mississippi

18047 Late He went to the registration office to
1930's attempt to register and met Mr.
Rejected Cox. Cox asked him if he knew due
Registrar process of law. Mr. Hall thought Cox
wanted him to recite it so he said
"No." Cox told him to go study.

- | | | |
|-------|--------------------------------------|---|
| 18066 | 1946
Rejected | He went to office of Circuit Clerk to register; clerk in the office refused, saying he would have to see Mr. Cox; he saw Cox the next day; Cox asked him a question concerning the name of a certain land title to which he replied he did not know, but could read and understand the constitution; Cox said, "You didn't answer the question, so I can't register you." |
| 18017 | 1948
Rejected
Cox-R | On his attempt to register he met Mr. Cox and told him that he wanted to register. Cox told him that in order to register he would have to know the constitution of Mississippi, and be able to repeat it by heart. Since he couldn't do that he left the office without being registered. |
| 18006 | 1948 or
1949
Rejected
Cox-R | He went to office of Circuit Clerk to register in 1948 or 1949; Mr. Cox asked if he knew the constitution, to which he replied he knew part of it; Cox said if he did not know it he could not register him, and refused to do so. |
| 18013 | 1949
Rejected
Cox-R | After re-registration was ordered in 1949 he attempted to re-register. When he went to the registration office in 1949, Cox asked him the definition of "due process" and "class assessment." Mr. Bourne tried to answer but Cox just shook his head and refused to let him register. |
| 18004 | 1949
Rejected
Cox-R | In 1949 he went to office of registrar, L. C. Cox. Cox asked him the meaning of "due process of law," and then told him he would not know |

the answer anyway. Cox would not register him.

[fol. 1324]

18072 1/5/50
Rejected
Cox-R

She went to the office of the registrar and told Mr. Cox she wanted to register; he asked if she knew the law of Mississippi, and she replied she was able to read it; Cox then asked what was due process of law, and she again said she would be able to read it; Cox said if she was unable to answer the questions, she could not register. She was not registered.

18066 Spring,
1950
Rejected
Cox-R

He went to office of Circuit Clerk to register; Mr. Cox asked, "What is due process of law?", he indicated to Cox that he could read. Cox said he did not answer the question, and he could not register him.

18037 1950's
Rejected
Cox-R

Went to the Office of the Circuit Clerk to register; Mr. Cox asked him to explain due process of law; he did not know exactly what it meant and did not try to explain it; was not permitted to register.

18083 Spring,
1950
Rejected
Cox-R

He went to the office of the Circuit Clerk with Oscar Tyler in order to register; Cox asked if he knew the Constitution of Mississippi, to which he replied he thought he did, but probably not to Cox's satisfaction; Cox said if he did not know the constitution he could not register.

18032 1950
Rejected
Cox-R

Alfonso Clark went to register in Feb. 1, 1950 and Mr. Cox told him to come back at a later date. He returned later in 1950 with B. F. Bourne, Dr. C. W. Smith, Rev. C. P. Payne, E. H. Smith and N. R. Burger. Mr. Cox asked them to explain "due process of law." None of them satisfied Mr. Cox and none was registered.

Alfonzo Clark had registered in the late 1930's and was returning to re-register because a re-registration was ordered in Forrest County in 1949.

[fol. 1325]

18013 1950
or 1951
Rejected
Cox-R

He attempted to register in 1950 or 1951, accompanied by Dr. Charles Smith, Rev. C. P. Payne, E. H. Smith, Prof. N. R. Burger, Alfonso Clark, and Mrs. Arlena Bourn, all Negroes. They went into the Circuit Clerk's office and met Mr. Cox. They told Cox that they wanted to register. He asked them questions about provisions of the constitution and each of them gave him answers. Cox did not permit any of them to register.

18100 March,
1951
Rejected
Cox-R

He went to the office of the Registrar and asked Mr. Cox if he could register; Cox asked him if he could read and explain the Constitution; he said he could read it, but he did not know if he could explain it to Cox's satisfaction; Cox then said he could not register.

- 18107 Nov.
1951
Rejected
Cox-R
- He went along with Robert Baker, B. F. Bourn, and A. M. Clark to the office of the registrar; told Cox he wanted to register; Cox asked him, "What is due process of law?", to which he replied trial by jury and explained it; Cox said the answer was incorrect and he could not register him as he was not qualified.
- 18023 Early
1950's
Rejected
Cox-R
- He went to the office of the registrar and asked Mr. Cox to register him; Cox asked him what was a land classification and other questions which he attempted to answer; he then asked Cox if he was required to answer these questions in order to register, to which Cox replied he was not running a catechism school and walked away.
- 18017 Early
1950's
Rejected
Cox-R
- He went to the office of the registrar to register; Mr. Cox told him he had to know the Mississippi Constitution; he went home and studied the Constitution, then returned; Cox asked him the meaning of due process of law; he said he did not know, and Cox said he could not register.
- [fol. 1326]
- 18121 Early
1950's
Rejected
Lady
- She went to register. The lady behind the counter said she would have to wait until Mr. Cox came in. She waited about 15 minutes and then Mr. Cox came in, told her to read a section of the Constitution. She read it and then he told her to explain it. She did and he said she was wrong and could not register.

- 18056 Feb. Went to registrar's office with A. B.
1952 S. Todd, T. Hall, and John Free-
Rejected man, all Negroes, for the purpose of
Cox-R registering; Cox asked if he knew
the Constitution, and he said what
he thought it was; Cox then told him
to go back and talk to his attorney
some more.
- 18079 Jan. 5, He attempted to register on Janu-
1953 ary 5, 1953. He went to the registra-
Rejected tion office and spoke to Mr. Cox. He
Cox-R told Cox that he wanted to register.
Cox asked, "Can you interpret the
Constitution?" Rev. Mayes replied,
"No!", and there is not an attorney
in Hattiesburg, Mississippi who
can." Cox refused to register him
and so he left.

[fol. 1327]

Pike #54

County Seat: Magnolia, Mississippi

- 57023 About Tried to register in Magnolia in
1935 about 1935. Was asked to read a
Rejected section of the Constitution and tell
Mrs. Holmes its meaning. He was not registered.
- 57036 1953 Went to registrar's office in Mag-
Rejected nolia with Mildred Marie Williams
Holmes-R in 1953. Asked to read section of
Mississippi Constitution and inter-
pret it. Told explanation not correct
and he was not registered.
- 57034 Jan. Went to registrar's office in Mag-
1953 nolia to attempt to register in Jan-
Rejected uary 1953. Asked to read section of
Holmes-R Mississippi Constitution and orally
interpret it. He was not registered.

[fol. 1328]

Walthall #76

County Seat: Tylertown, Mississippi

- 74031 About Holmes made him read and interpret a section of the Constitution of Mississippi and told him he did not pass. He was not registered.
 1946
 Rejected
 Holmes-R
- 74026 About He went alone to register. Holmes required him to interpret orally a section of the Constitution about the judicial branch and then told him he was not qualified. He was not registered.
 1946 or
 1947
 Rejected
 Holmes-R
- 74040 About She went alone to register in 1954 or early 1955. Byrd asked her oral questions about *expost facto* laws, the preamble of the Constitution, habeas corpus and impeachment; she answered them. Byrd said her answers were wrong, and declined to let her register.
 1954 or
 1955
 Rejected
 Byrd-R

[fol. 1329] NEGROES WHO ENCOUNTERED SUBSTANTIAL DELAYS BY LOCAL REGISTRATION OFFICIALS IN THEIR EFFORTS TO BECOME REGISTERED

[fol. 1330] Forrest #68

County Seat: Hattiesburg, Mississippi

- | | | |
|-------|--|---|
| 18004 | Apr. 11,
1952
Refused
Woman | Went to Registrar's office on 4-11-52 in the morning. Female employee said Mr. Cox was out; would have to see him. |
| 18006 | April. 11,
1952
Refused
Woman | Went with seven other Negroes on 4-11-52 to the office of the Circuit Clerk to register; Rush Lloyd asked to register; the lady said they would have to wait for Mr. Cox; Robert Baker asked if she were the lawful Registrar, she said he was an employee. |
| 18007 | Mar. 9,
1953
Refused
Woman | He was told by lady at the Registrar's office on 3-9-53 that he would have to see Mr. Cox in order to register, but Mr. Cox was sick at home. |
| 18009 | Mar. 9,
1953
Refused
Woman | Met Willie Darden at the courthouse on 3-9-53 and together they went to the office of the Registrar; a girl there said that Mr. Cox was in the courtroom and that she could not register them. |
| 18013 | Feb. 28,
1953
Refused
Woman | Went on 2-28-53 with A. M. Clark, Rev. W. D. Ridgeway, Rev. J. J. Jones, and Vernon Dahmer to the office of the Circuit Clerk to register; lady there said Mr. Cox was not there, and they would have to see him in order to register. |

18024 Feb.
1952
Refused
Woman

Went with a group of Negro teachers during February, 1952 to the office of the Circuit Clerk to register; lady in the office said Mr. Cox was out and they would have to wait for him.

[fol. 1331]

18030 1952 or
1953
Refused
Woman

She attempted to register in 1952 or 1953 and was accompanied to the registration office by a group of other Negro teachers including: Mrs. Addie Burger, Mrs. Katherine Jones, and Mrs. Jearldine Lattimore. They entered the Registrar's office and were met by a woman clerk. They told the clerk that they wanted to register, but the clerk told them that they would have to see Mr. Cox and he wasn't in his office at the time. When she asked if one of the clerks were deputized and could register people, the clerk merely said that Mr. Cox had to register them.

18030 1953
Refused
Woman

On two occasions during 1953, she went into the registration office to attempt to register to vote. Each time a woman clerk told her that Mr. Cox was not there and that she would have to come back when he was there.

On one of these occasions she was accompanied by Mrs. Iva Sandifer.

18032 Feb. 28,
1953
Refused
Clerk

He went to the office of the Circuit Clerk on 2-28-53 along with Rev. W. D. Ridgeway, Rev. J. J. Jones, B. F. Bourne, and Vernon Dahmer, for the purpose of registering; a clerk there said that Mr. Cox was not in and that it was necessary to have Mr. Cox register them.

- 18035 Dec. 1951
Refused
Woman He went to office of Registrar during December 1951; asked lady in the office if he could register; lady said Cox was too busy and he should come back.
- 18035 Dec. 1952
Refused
Woman He went to office of Registrar during December 1952 to register; lady in the office said Mr. Cox was sick and he was the only person who could register him.
- 18035 Feb. 25, 1953
Refused
Woman He went to office of the Registrar on 2-25-53 for the purpose of registering; lady in office said Cox was sick and in the hospital.
[fol. 1332]
- 18037 Nov. 1952
Refused
Woman He went to office of the Registrar during Nov. 1952 to register on the Fri. or Saturday before the election; lady in office told him to come back the following Wednesday, the day after the election.
- 18037 Feb. 28, 1953
Refused
Woman He went to office of the Registrar on 2-28-53 with B. F. Bourne, Rev. Ridgeway, Rev. Jones, and Alphonse Clark; told lady they wished to register; she said they would have to see Mr. Cox before they could register, but he was not in.
- 18038 Mar. 9, 1953
Refused
Woman He went to office of Registrar on 3-9-53. The lady behind desk said Mr. Cox was out and she could not register them.
- 18040 Winter 1950-51
Refused
Woman She went to office of Circuit Clerk to register; girl there said Mr. Cox was out of town and she would have to see him.

- 18040 Apr. 11,
1952
Refused
Woman
She went with a group of Negroes to the Circuit Clerk's office on 4-11-52. They told two white ladies they would like to register. The ladies said Mr. Cox was out and would not be back until noon.
- 18040 Mar. 16,
1953
Refused
Woman
She went to office of the registrar to register on March 16, 1953; lady there said Mr. Cox was out and that she could not register her; waited for a while, then left.
- 18041 Mar. 2,
1953
Refused
Woman
He went to office of the Registrar on 3-2-53 with Rush Lloyd and Rufus Houze for the purpose of registering; lady there told them Mr. Cox was not in and it was necessary for them to see him in order to register.
- 18045 Mar. 12,
1953
Refused
Woman
He went to the office of the Registrar on March 12, 1953 to register, lady said Mr. Cox was out; waited for a while, then left.
- [fol. 1333]
- 18048 Feb.
1952
Refused
Woman
Went to office of the Circuit Clerk during February 1952, with several other Negro teachers for the purpose of registering; a lady said they would have to wait to see Mr. Cox, who was not in at the time.
- 18056 Mar. 2,
1953
Refused
Woman
He went to Circuit Clerk's office on 3-2-53 with Rush Lloyd and George Dennis for the purpose of registering; lady in the office said Cox was in the hospital and that it was necessary for them to see him.
- 18060 Sept.
1952-53
Refused
Woman
He went to office of the Registrar in 1952 or 1953. A woman said that he would have to see Mr. Cox and that she could not register him, that Cox was the only one who could do it.

- 18064 Mar.
1953
Refused
Woman
- He went to the office of the Circuit Clerk during March 1953, to register along with A. M. Clark, B. F. Bourns, W. G. Ridgeway, and Vernon Dabmer; lady in the office told them that they would have to see Mr. Cox, who was not there.
- 18063 Apr. 11,
1952
Refused
Woman
- He went to Circuit Clerk's office on 4-11-52 with several other Negroes for the purpose of registering; two white ladies said they would have to see Mr. Cox who was out; they asked if she was a deputy clerk and one of the ladies said she was an employee.
- 18066 1948
Refused
Clerk
- He went to office of the Circuit Clerk in 1948 but the clerk refused to register him, saying he would have to see Mr. Cox.
- 18066 Jan. 31,
1951
Refused
Woman
- He went to office of Circuit Clerk to register on 1-31-51; lady there refused to register him, saying he would have to see Mr. Cox.
- [fol. 1334]
- 18075 1949
Refused
Woman
- He went to office of Circuit Clerk to register in 1949; lady said he would have to see Mr. Cox; waited for two hours, then left since Cox had not returned.
- 18075 Apr. 11,
1952
Refused
Woman
- He went to office of Circuit Clerk on 4-11-52 with Savannah Davis, Kathryn Jones, Wayne Pittman, Charlie Phillips, V. K. Murphy, John Barnes, and Robert Baker, for the purpose of registering; lady said they would have to wait for Mr. Cox. They asked if she were a deputy and the lady said she was an employee.

- | | | |
|-------|--------------------------------------|--|
| 18075 | Mar. 2,
1953
Refused
Woman | He went to office of Registrar on 3-2-53 with George Dennis and Rufus Houze; Mr. Cox was not in and one of the two ladies there said they would have to come back. |
| 18078 | Apr. 11,
1952
Refused
Woman | He went to office of Circuit Clerk on 4-11-52 with several other Negroes for the purpose of registering. Lady said they would have to see Mr. Cox. They asked if she was deputized. The lady said she was an employee. |
| 18083 | 1947
Refused
Woman | He went to the office of the Circuit Clerk to register in 1947; lady in the office said she could not register him, that he would have to see Mr. Cox. |
| 18083 | 1948
Refused
Woman | He went to the office of the Circuit Clerk to register in 1948; lady in the office said she could not register him, that he would have to see Mr. Cox. |
| 18083 | 1949
Refused
Woman | He went to the office of the Circuit Clerk to register in 1949; lady in the office said she could not register him, that he would have to see Mr. Cox. |
| 18092 | Mar.
1952
Refused
Woman | He went to the office of Registrar in about March 1952, but was told by a lady there that he would have to see Mr. Cox in order to register; Cox was not in so he left. |
| 18096 | Jan.
1953
Refused
Woman | He went to the office of the Registrar in January 1953 and asked a girl there if he could register; she told him he would have to see Mr. Cox. |

[fol. 1335]

- 18097 Apr. 11,
1952
Refused
Woman
- He went with several other Negroes on 4-11-52 to the office of the Circuit Clerk for the purpose of registering; Rush Lloyd told a lady there that they wished to register; the lady said they would have to see Mr. Cox; Robert Baker asked her if she were a deputy, the lady said she was an employee.
- 18098 Apr. 11,
1952
Refused
Woman
- He went to office of Circuit Clerk on 4-11-52 with several other Negroes for the purpose of registering; one of two ladies behind the counter said they would have to see Mr. Cox; they asked if she were a deputy, the lady replied, "We are employed here."
- 18100 Feb. or
Mar.,
1953
Refused
Woman
- He went to the office of the Registrar to register in February or March, 1953, accompanied by A. M. Clark, B. F. Bourne, Vernon Dahmer, and Rev. J. J. Jones. Lady in the office said they would have to see Mr. Cox, who was not there.
- 18105 Feb. 28,
1953
Refused
Woman
- She went to the office of the Registrar on 2-28-53 and told a lady there she wanted to register; the lady said she would have to see Mr. Cox, who was not there.
- 18107 Mar. 17,
1953
Refused
Woman
- He went to the office of the Registrar with his brother, E. H. Smith, for the purpose of registering on 3-17-53. A lady in the office said that Mr. Cox was not in and they would have to see him.

18108 Jan. 10, 1953
Refused
Woman
He went to Registrar's office on 1-10-53 to register after having paid poll tax, but the lady there said Mr. Cox was not in and he would have to see him.

18108 Mar. 17, 1953
Refused
Woman
Along with Dr. C. W. Smith, he went to the office of the Registrar for the purpose of registering on 3-17-53; lady there said they would have to see Mr. Cox, who was not there; so they left.

[fol. 1336]

18114 Jan. 23, 1953
Refused
Rodgers
She went to office of the Registrar on 1-23-53 after having paid poll tax; told Miss Rodgers that she would like to register, but Miss Rodgers said she could not do it, that she would have to see Mr. Cox.

18128 1955
Refused
Woman
He went to the office of the Circuit Clerk to register in 1955. A lady in the office told him he would have to come back when Mr. Cox was there.

[fol. 1337]

Hinds #49

County Seat: Jackson, Mississippi

25046 1920's
Refused
Registrar
He attempted to register before Registrar Fondren in the 1920's. Frequently Fondren would ignore him when he appeared to register. Other times he would say he was too busy. Finally, after Smith appeared almost every day for a six-month period, Fondren allowed him to register, saying he had "about fretted him to death."

[fol. 1338]

Holmes #50

County Seat: Lexington, Mississippi

26021	1950 Refused Unknown	He went to the county courthouse to register during 1950. He was told that the lady that takes registration wasn't in.
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[fol. 1339]

Panola #4

County Seat: Batesville, Mississippi

54009	July - 1946 Refused Clerk	Went to courthouse to register in July 1946. Was questioned by Sheriff Fowler about discharge from army and persons he knew in the county. When Fowler took him into registrar's office lady clerk left. He waited about half an hour and the lady clerk would look into the office, but did not come in while he was there. He left the office and the lady clerk went back in.
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[fol. 1340] NEGROES WHO WERE REFUSED THE RIGHT TO
APPLY FOR REGISTRATION

[fol. 1341]

Carroll #9

County Seats: Carrollton, Mississippi, Vaiden, Mississippi

8001	1940 Refused Hatcher-R Carrollton	During 1940 he asked Circuit Clerk if he could register to vote, and was told he could not register.
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8005	1951 Refused Hatcher-R Vaiden	He asked Chancery Clerk about registering in 1951 and was referred to Circuit Clerk Hatcher who told him that the time was not right, that he would talk it over with the Chancery Clerk Bennett.
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8001 1954 or 1955
Refused
Hatcher-R
Carrollton
During 1954 or 1955, he asked Circuit Clerk if he could register to vote. He was told he could not register and old Negroes were not being registered.

[fol. 1342] Chickasaw #27

County Seat: Okolona, Mississippi

9013 1947 or 1948
Circuit Clerk
In 1947 or 1948 on the same day he tried to pay his poll tax. He went to the Circuit Clerk and attempted to register. The Circuit Clerk said he should not try to register as he will make enemies for himself. He then left without trying.

[fol. 1343] Clarke #59

County Seat: Quitman, Mississippi

12017 1932
Refused
Harger-R
On two occasions the registrar told him that he was getting ready for and busy with court and to come back.

12017
Refused
Harger-R
Applied with Tommy Blakely, another Negro. Registrar advised them not to try to register because of what "the people" would do. They left without applying.

12017
Refused
Massengale-R
When he applied the registrar told him he was "too busy" to register him.

12006 1953
Refused
Ramsey-R
We went to the office of the Circuit Clerk in 1953; told Mr. Ramsey that he wanted to register; Ramsey replied that they were not ready for registration and refused to permit him to register.

[fol. 1344]

Copiah #47

County Seat: Hazelhurst, Mississippi

- | | | |
|-------|--|---|
| 15026 | About 1952
Refused
Weeks-R | He was told by Circuit Clerk that he didn't have any registration books at the time for colored people. |
| 15039 | 1952
Refused
Weeks-R | He went to see Mr. Weeks in 1952 with poll tax receipt, and asked to be registered. Weeks told him that registration books were closed to colored people. |
| 15016 | 1952
Refused
Weeks-R | In 1952, he was told by Weeks that books were closed and that he should come back another year. |
| 15026 | About 1953
Refused
Weeks-R | Was told by Circuit Clerk that he didn't have any registration books for colored people at that time. |
| 15016 | 1953
Refused
Weeks-R | He was told by Mr. Weeks that books were closed in 1953. |
| 15016 | 1954
Refused
Weeks-R | In 1954, he was told by Mr. Weeks that books were closed. |
| 15026 | About 1954
Refused
Weeks-R | He was told by Circuit Clerk that he didn't have any registration books for colored people at that time. |
| 15002 | 12/54 or
1/55
Refused
Weeks-R | He was told in December '54 or January 1955 by Weeks that he could not register because he, Weeks, had to get a new registration book. |

[fol. 1345]

De Soto #3

County Seat: Hernando, Mississippi

17005 15 to 20
yrs. ago
Refused

He was simply told that he could not register.

[fol. 1346]

Forrest #68

County Seat: Hattiesburg, Mississippi

18047 1939
Refused
Cox-R

He attempted to register accompanied by his uncle (now deceased) E. W. Hall during 1939. His uncle said to Cox that he would like to get Mr. Hall registered. Cox said, "No" so they walked out.

18079 1940
1951 or 52
Refused
Cox-R

Between about 1940 and '52, he tried to register on nine different occasions. Each time he went alone and each time he saw Mr. Cox because he knew that none of the help would register him. He went at poll tax paying time. Each time he asked Cox if he could register, Cox just said "No" as if he didn't have time to discuss it with him.

18076 1945
Refused
Cox-R

She went to office of Circuit Clerk, Mr. Cox, during 1945 for the purpose of registering; Cox refused to register her without stating a reason.

18103 Late
1940's-
1954
Refused
Cox-R

Between the late 1940's and 1953 or 1954, he attempted to register on three or four occasions. On two occasions he met Mr. Cox in the registration office and told him that he wanted to register. Cox told him to come back in a few weeks. And when he went back, Cox again said the same thing: come back in a few weeks. On the other occasions, Cox was not in and a woman clerk told him that he would have to come back when Cox was there.

In 1953 or '54, when he went in for another try, Cox opened the registration book on the counter in front of them and asked him his name and address. But then he simply said that he couldn't register him and did not give him any reason.

[fol. 1347]

18037 1949
Refused
Cox-R

He was registered prior to 1949, but was required to re-register in 1949. The deputy clerk had begun filling out his cards and he was about to complete them when Mr. Cox came into the office, observed him registering, and said, "Just a minute, I want to talk to him"; Cox then took him out in the hall and told him that he could not register.

18063 1950
Refused
Cox-R

She went to office of Circuit Clerk to register during 1950; Clerk said she would have to see Mr. Cox who was not in; saw Cox within three days; he said he could not register her without stating a reason.

18061 Early
1950's
Refused
Cox-R

He went to register each year since at least 1950 and was told that Mr. Cox was not in. When Mr. Cox was in Cox would tell him he was too busy to register him. On one of these occasions Mr. Cox told him that Negroes did not need to register because they did not know what they were voting for anyway.

18033 About
1950
Refused
Cox-R

In 1950, Mr. Clark attempted to register twice. The first time he went to the office, he met a group of Negroes in the hall and they told him that Mr. Cox wasn't there that day and therefore they couldn't register.

A few weeks later, Mr. Clark returned to the office. He spoke to a woman clerk in the office and told her that he wanted to register. She called Mr. Cox. Cox came to the door and asked Clark what he wanted. When Clark told Cox that he had come to register, Cox said "I'm feeling bad. I don't have time to discuss it. You come back." Mr. Clark left and never returned to the office.

[fol. 1348]

18017 Early
1950's
Refused
Cox-R

He went to the office of the Circuit Clerk to register in the early 50's, but Cox said he was in a lawsuit and would not register anybody until it had been settled.

- | | | |
|-------|-----------------------------------|--|
| 18012 | 1948-
1954
Refused
Cox-R | Mrs. Bell made between two and five attempts to register between the years of 1948 and 1954. Before <i>Peay v. Cox</i> was filed, the clerk in the office simply told her to see Mr. Cox and he, Cox, was never in when she was there. After 1950, she saw Cox, and he told her to wait until after the suit was over. |
| 18009 | 2/1950
Refused
Cox-R | He went to the courthouse during Feb. 1950 and asked Mr. Cox to register him; Cox said, "I told you niggers I wasn't going to register you"; he left. |
| 18130 | About
1951
Refused
Cox-R | He went to register with two other Negroes, Joe Knox and Claude Harris. All were on the Board of trustees for the consolidated Negro school. Mr. Cox told them the books were not open for registration—to come back later. |
| 18050 | About
1951
Refused
Cox-R | He went to the office of the Circuit Clerk with C. M. Davis around 1951; Mr. Cox would not permit them to register, and did not give them a reason. |
| 18072 | 1/5/52
Refused
Cox-R | She went to the office of the Registrar to vote, accompanied by Alma May to register. Mr. Cox refused to register them without giving them a reason. |
| 18078 | 1/1952
Refused
Cox-R | He went to Circuit Clerk's office during January 1952 to register; Cox refused, saying he could not register him, but gave no reason. |

[fol. 1349]

- | | | |
|-------|----------------------------|--|
| 18022 | 2/1952
Refused
Cox-R | He went to office of the Circuit Clerk during February 1952 with a group of Negro teachers, Ratio Jones, Kathryn Jones, M. W. Chambers, B. M. Tillman Nimock, Martha Hall, and Nanelle Burnett, for the purpose of registering; Mr. Cox told them there were charges on the docket against him and he could not register them. |
| 18075 | 2/1952
Refused
Cox-R | He went to office of Circuit Clerk with Alfonso Clark, Dr. E. H. Smith, B. F. Bourne, and Rufus Houze during February 1952; told Cox they wanted to register; Cox told them to wait until the suit was over. |
| 18066 | 2/1/52
Refused
Cox-R | He went to office of the Circuit Clerk on 2/1/52 along with a group of Negro teachers; Mr. Cox said he could not register them until the suit filed against him had been settled; Cox left without registering any in the group. |
| 18063 | 2/1/52
Refused
Cox-R | He went to the office of the Circuit Clerk to register along with a group of Negro teachers on 2/1/52; Mr. Cox said he could not register them until the suit filed against him had been settled; Cox left without registering any in the group. |
| 18056 | 3/1952
Refused
Cox-R | He went to office of Circuit Clerk during March 1952 with Rush Lloyd, E. H. Smith, and George Dennis to register; Cox did not permit them to do so without stating any reasons. |

18076 4/11/52
Refused
Cox-R

She went to office of Circuit Clerk to register on 4/11/52, 2 white girls said Mr. Cox was out but would be back in a few minutes; when Cox arrived, she told him she wanted to register; he asked her name and how long she had been living at her present address, then said he could not register her and that she should see Judge Dale.

[fol. 1350]

18023 9/1952
Refused
Cox-R

He went to the office of the registrar in September 1952 and asked Mr. Cox to register him; Cox refused to do so saying that there was a case pending against him and he could do nothing about registering Negroes until the outcome of that case was known.

18105 12/20/52
Refused
Cox-R

She went to the Registrar's office along with Mrs. A. N. Burger, Miss A. J. Latimore, and Miss S. L. Williams, to register; told Mr. Cox they wanted to register; he replied that they had a suit against him. She told him she was not connected with the suit but he refused to register them. She asked how she could get registered and he said he would not serve as her counsel and walked away.

18071 12/52-
1/53
Refused
Cox-R

Accompanied by Ira Sandifer, Sadie Williams, and Addie Burger, she went to the office of the Registrar to register during December 1952 or Jan. 1953; Mr. Cox said he could not register them, and made a reference to a court action which was pending.

18030 1953
Refused
Cox-R

Accompanied by a group of teachers including Mrs. Addie Burger, she went to the registration office to try to register during 1953. They met Mr. Cox and told him that they wanted to register. He replied, "Wait until the suit you people have against me is over." When one of them said that no one in that group had a suit against him, he simply said, "Yes, but wait 'til it's over." So they left the office.

18013 1/1953
Refused
Cox-R

He went to office of Circuit Clerk with A. M. Clark, E. H. Smith, and two others to register during January 1953; lady in Mr. Cox's office said Cox was out and they would have to see him, that she could not register them; When Cox came in he said he would not register them because of a suit filed against him.

[fol. 1351]

18022 12/1952
or 1/1953
Refused
Cox-R

Accompanied by Iva Sandifer, Anna J. Latimore, and Sadie Williams, she went to the office of the Registrar, Mr. Cox, and asked him to register them during December '52 or Jan. '53; Cox said there was a case on the docket and he could not register them.

18032 1/1953
Refused
Cox-R

Went with Rush Lloyd, B. F. Bourne, and E. H. Smith to the office of the Circuit Clerk to register during January 1953; asked if they could register, Cox said they had a case against him and he could do nothing until it was settled; they replied they thought the case was settled, but he said it was not and they should come back when it was.

- | | | |
|-------------|----------------------------|---|
| 18035 | 1/1953
Refused
Cox-R | He went to office of Registrar to register during January 1953; Mr. Cox asked him where he worked, where he lived, and for how long, then told him to come back. He was not registered. |
| 18035 | 1/1953
Refused
Cox-R | He went to office of Registrar in January 1953; told Cox he would like to register; Cox said he could not register him but would not tell him why he could not. |
| 18060 | 1/1953
Refused
Cox-R | He went to the office of the registrar to register during January, 1953. Mr. Cox asked his age, where he lived, and where he worked, then said he would have to wait because of the lawsuit pending against him. |
| 18108 | 1/1953
Refused
Cox-R | He went to the office of the registrar during January 1953 with B. F. Bourne, Rush Lloyd, and A. M. Clark, for the purpose of registering; arrived at the office about 9:00 A.M. and told a lady there what they wanted; she said they would have to see Mr. Cox; they waited until noon. Cox came in, at which time he said their case was in court and they would have to wait. |
| [fol. 1352] | | |
| 18007 | 1/8/53
Refused
Cox-R | He went to the office of the registrar to register on 1/8/53; lady there said he would have to wait to see Mr. Cox, which he did; when Cox came in he told Barnes that he could not register because he was one of those who had filed a case against him; Barnes said he thought the case had been dropped, but Cox said it was still pending and he could not register him. |

18027 1/31/53
Refused
Cox-R

He went to the office of the Registrar to register on 1/31/53; a girl there said he would have to wait to see Mr. Cox which he did; when Cox came in he told him to come back next month; he asked if he was being refused because he was in the suit and Cox shook his head; Cox then asked where he lived, where he worked and for how long, then went back to his desk without registering him.

18129 Feb.
1953
Refused
Cox-R

He went to the office of the Registrar in February 1953 with Mrs. Addie Burger, Miss Iva Sandifer and Miss A. J. Latimore, in order to register. Mr. Cox told the group that he could not register them because of the case pending against him.

18072 2/28/53
Refused
Cox-R

Mrs. Lewis went to the office of the Registrar, with Henrietta Stevenson, to register on February 28, 1953; a lady there said they would have to wait for Mr. Cox, which they did; when Cox came in he told them to wait about a month then come back; he said they would have to wait until the suit was over before they could register.

[fol. 1353]

18114 2/28/53
Refused

Went in February with Iola Lewis to the office of the Registrar, but they were told that Mr. Cox was out so they left; returned on February 28, 1953 and asked a lady there if they could register; she told them they would have to wait for Mr. Cox. When Cox came in he told them to come back in a month because they had a suit coming up; they said that they had no part in the suit; Cox replied, "Well, you live down there with them"; Miss Stevenson then said she wanted to register from another precinct where she lived and taught eight months out of the year, but Cox still said that they had to wait until the suit was over.

[fol. 1354]

18060 3/9/53
Refused
Cox-R

He went to register at the office of the Registrar on 3/9/53; Cox asked him where he lived and worked, then said he could not register him because of the lawsuit.

18110 3/9/53
Refused

She went to office of the Registrar on 3/9/52 with her son, Grover Wilson Smith, to register; told Mr. Cox she wanted to register; he asked her name and how long she had lived there, then said there was a suit coming up and they would have to wait and see.

18109 3/9/53
Refused
Cox-R

He went with his mother, Mrs. M. C. Smith, to the office of the Registrar on 3/9/53; told Cox they wanted to register; Cox asked Mrs. Smith her name and how long she had lived there, and then said they would have to wait to see how the suit came out.

18007 3/11/53
Refused
Cox-R

He went to the office of the Registrar and asked Mr. Cox to register him on 3/11/53; Cox told him he could not register him because of the case pending against him.

18096 3/14/53
Refused
Cox-R

He went to the office of the Registrar on 3/14/53 and asked Mr. Cox if he could register; Cox said he had a case against him in court; Peay said there was no case, as the time had run out, but Cox said he would have to wait a while; Peay then asked what a citizen had to do to be registered in Forrest County, to which Cox replied he did not know, he was not a school master; Peay then left the office.

[fol. 1355]

18092 3/15/53
Refused

He went to the office of the registrar to register; lady there said Mr. Cox was out drinking coffee, and he would have to see him; waited for a while, then left; returned the next day (3/16/53) and told Mr. Cox he wanted to register; Cox questioned him then said he could not register him because of a suit pending against him.

18128 1955
Refused
Cox-R

He went to the office of the Circuit Clerk and told Mr. Cox he wanted to register; Cox said Negroes do not register in Forrest County.

[fol. 1356]

George #77

County Seat: Lucedale, Mississippi

20003 About
1954
Refused

About 1954 he went alone to the office to attempt registration. He was told that they had to get some papers from Jackson before they could register Negroes.

- | | | |
|-------------|--|---|
| 20004 | About
1951
Refused
Rouse-R | She went with her husband to register about 1951. They were told by Mr. Rouse that he could not register them because the box was locked up. |
| 20015 | Early
1950's
Refused
Rouse-R | Mr. Rouse told him and his wife that Hugh Goff was chairman of a committee to examine applicants and that Goff would notify them when to come back. They were never notified. |
| 20015 | Early
1950's
Refused
Mrs.
Lovellette | In the early 50's, when he and his wife attempted to register, they were told that no provision had been made for registering colored. |
| 20015 | About
Jan. 1952
Refused
Rouse-R | About January 1952, Mr. Rouse told him and his wife they had not set up any machinery for registering colored people. |
| 20015 | Mid 1950's
Refused
Dale-R | Dale told him and his wife that they were not set up for registering colored. |
| 20015 | Probably
1955
Refused
Rouse-R | Mr. Rouse told him and his wife they were not registering white or colored because some law was being formulated in Jackson and he had to wait until that was handed down. |
| 20016 | 1952 to
1959
Refused
Rouse
Dale-R or
Mrs.
Lovellette | Nearly every year starting with 1952 she and her husband attempted registration about tax paying time. Each time they were not allowed to register. (Additional details in husband's experience No. 20015 above.) |
| [fol. 1357] | | |
| 20026 | Late
1940's
Refused
Malone-R | He went to the office in the late 40's shortly after getting out of the Army to attempt registration. Malone said he was not registering colored. |

- 20026 Early - In the early 50's, he went to the
1950's office to attempt to register. Rouse
Refused told him he was not registering any-
Rouse-R body.
- 20026 Early In the early 50's he went to the office
1950's to attempt to register. Rouse said
Refused he could not register him, that he
Rouse-R had to wait until he heard from
Jackson about a change in the law.
- 20027 1952 When he went to register in 1952 he
Refused was told he had come too late to
Rouse-R register. Mr. Rouse said the dead-
line for registration had passed the
previous Saturday.
- 20040 Mid He went alone to the office to at-
1950's tempt registration. Rouse brought
Refused him back to where all the books were
Rouse-R kept. Rouse pointed at some locked
boxes and said, "you see, they are
closed and I don't have a key."
- 20040 Early or He went to the Circuit Clerk's office
mid 1950s to attempt registration. D. A. Phil-
Refused lips, another Negro was there when
Rouse-R he arrived but left. Rouse refused
to register him, saying it was closed.
- [fol. 1358] Holmes #50
- County Seat: Lexington, Mississippi
- 26021 1950 In 1950 he went to the county court-
Refused house on three occasions to register.
Jorden-R Each time he was not permitted to
apply. The registrar told him the
books were closed.

[fol. 1359]

Jasper #60

County Seat: Bay Springs, Mississippi

- 31009 Feb. 1955 In February, 1955 (after paying the
 Refused 1954 and 1955 poll taxes), he attempted to register to vote in Jasper County. He went to Paulding and was told that the Registration Book was in Bay Springs. He then went back to Bay Springs and was told that the book was in Paulding. He went back to Paulding and was again told that he was unable to register because the Registration Book was not there.

[fol. 1360]

Lauderdale #62

County Seat: Meridian, Mississippi

- 38006 About 1950 Went alone to register. Clerk told
 Refused Mrs. Clark to "See an attorney."
 Man She did not do so.

[fol. 1361]

Leflore #11

County Seat: Greenwood, Mississippi

- 42045 20-30 Applied 3 times between 20 and 30
 yrs. ago years ago; was told each time that
 Refused Negroes could not register.

[fol. 1362]

Marshall #18

County Seat: Holly Springs, Mississippi

- 47016 About About 1947, he went to office with
 1947 about 10 other Negroes, all students
 Refused at Mississippi Industrial College.
 Man and Official said they were not eligible to
 Woman register and none were permitted to register.

- 47032 Mid In the mid 40's, he went to register
1940's four times in a two-week period with
Refused groups of 8 or 10 Veteran students.
Mrs. Each time the Clerk would say books
Coffey-R were closed.

[fol. 1363]

Newton #64

County Seat: Decatur, Mississippi

- 51006 1949 In 1949, he went to registrar with 3
Refused other veterans. Mr. Webb told them,
Webb "Can't register you boys now."

[fol. 1364]

Sunflower #12

County Seat: Indianola, Mississippi

- 67110 Spring of He went to Registrar's office in the
1954 Spring of 1954 and was not per-
Refused mitted to apply to register to vote.
Clerk or Clerk said he'd notify him when he
Asst. Clerk could apply. He was never notified.

[fol. 1365]

Walthall #76

County Seat: Tylertown, Mississippi

- 74039 Early 1940's She came to apply to register in the
Refused early 1940's. Sartin refused to per-
Sartin-R mit her to apply.
- 74021 About 1948 He went with two other Negroes to
Refused register around 1948. Holmes did
Holmes-R not permit them to apply for regis-
tration.
- 74000 About He went to register with two other
1950 Negroes. The registrar had one (not
Refused Ball) read from a book and then
told all to leave as they were not
qualified.
- 74006 Over 10 He went to register with John Ball
years ago and Angus Magee. Byrd required
Refused one of them to read; said none was
Byrd-R qualified and did not allow any of
them to register.

- 74014 Over 10 years ago
Refused
Byrd-R
He went with a large group of Negroes, led by his father, Ernest Guy. The registrar asked his father to name all 48 states. The registrar then said, "You niggers can't register."
- 74017 Late 1940's
Refused
Byrd-R
He went to register on a Saturday during the late 40's. Byrd asked him where he lived and who had been talking to him about registering. Then Byrd told him to study the Constitution but refused to register him.
- 74020 About 1950
Refused
Holmes-R
Went with John Ball and another Negro. Holmes asked him to read the Constitution and said, "you don't know what you want," and refused to let them register.
- 74021 In 1940's
Refused
He went with several Negroes including Ernest Guy. Registrar asked Guy to name all 48 states, then said "you niggers aren't qualified" and refused to permit them to register.
- 74040 About 1950
Refused
Byrd-R
She tried to register alone around 1950. Byrd told her to go to get a Mississippi Constitution and read it and come back at a later time. Byrd did not permit her to apply.
- [fol. 1366] Webster #23

County Sat: Eupora, Mississippi

- 78001 10-15 yrs. ago
Refused
Cir. Clk's
Wife
Went to office of Circuit Clerk (Eidson) and spoke to his wife about applying. She said colored folks are not allowed to vote. He left.

[fol. 1367] NEGROES WHO WERE NOT PERMITTED TO PAY
THEIR POLL TAXES

[fol. 1368] Chickasaw #27

County Seat: Houston, Mississippi

- | | | |
|------|--------------------------------------|---|
| 9002 | 1946
Sheriff | In 1946 he mailed a check to Sheriff of Chickasaw County for poll tax. Check never returned nor amount deducted from account. |
| 9006 | About
1954
Blake
(Dep. Sh.) | Around 1954 he and five other Negroes attempted to pay their poll tax at the Sheriff's office in Houston. The other Negroes were his wife, Mrs. Jones, Mr. and Mrs. Winston Gladney, and his wife's aunt and uncle, Mr. and Mrs. Hudelston. Mr. Blake, a Deputy Sheriff told the woman who was collecting taxes not to take their money because they were not going to be allowed to vote. They were not permitted to pay their poll taxes. |
| 9010 | About
1947
Payton | He paid property tax and two dollars extra for poll tax to Clint Payton. Was not given a separate poll tax receipt. Objected and Deputy Sheriff Bryant started to write out a receipt. Mr. Payton stopped him saying, "We don't give niggers poll tax receipts." |
| 9013 | 1947 or
1948
Wright | Tried to pay his poll tax in 1947 or 1948 along with his property tax to Mr. Wright who was collecting taxes in the Sheriff's office. Wright said he would have to check with the Sheriff before he could take the poll tax. |

- 9014 1952 or
1953
Payton He paid property tax to Deputy Sheriff Bryant in about 1952 or 1953 and was asked if he wanted to pay poll tax and register. Bryant took him to Mr. Payton, a Clerk, who told Bryant that he was not allowed to pay his poll tax or register.
- 9017 About
1954
Blake
(Dep. Sh.) Around 1954 she and five other Negroes attempted to pay their poll tax at the Sheriff's office in Houston. The other Negroes were her husband, Brazil Jones, Mr. and Mrs. Winston Gladney, and Mr. and Mrs. Hudelston. Mr. Blake, a Deputy Sheriff, told the woman who was collecting taxes not to take their money because they were not going to be allowed to vote. They were not able to pay the tax.

[fol. 1369]

George #77

County Seat: Lucedale, Mississippi

- 20013 6-17-39
Re-Reg.
Mrs. Ward About 1956, he tried to pay his poll tax and was told by Mrs. Ward in the tax office that she did not know anything about Negroes paying poll tax.
- 20024 About 10
yrs. ago
Unknown Tried to pay poll tax over 10 years ago and was not allowed to do so.

[fol. 1370]

Holmes #50

County Seat: Lexington, Mississippi

- 26031 1941
Unknown He went to the Sheriff's office to pay poll tax and was told that his name was not on the list. He was not permitted to pay his poll tax.

[fol. 1371]

Issaquena #40

County Seat: Mayersville, Mississippi

24012 Jan. 1946
Johnson
(Sheriff)

In January 1946 after discharge from Army he went to Sheriff's office to pay poll tax so he could vote. He was accompanied by William Barnes, now deceased. Woman told him to wait for Sheriff. The Sheriff told them that they could pay the tax but that it "would be like throwing your money away because Negroes were not voting in Issaquena County". They thanked him and left. He has made no further attempts to pay the tax or register.

[fol. 1372]

Panola #4

County Seat: Batesville, Mississippi

54027 About
1950
Lady

Prior to 1950 when she paid her land taxes in Sheriff's office she was assessed for poll taxes which she paid. In about 1950 she went to Sheriff's office and tried to pay poll tax. The lady in the office told her there was no need to pay because she wasn't going to vote anyway.

[fol. 1373]

Simpson #57

County Seat: Mendenhall, Mississippi

64009 1951-1954
Mullen
(Sheriff)

He tried to pay his poll tax each year from about 1951-1954 when he paid his land tax. The Sheriff told him he was not collecting poll tax on the dates when he paid his land taxes.

[fol. 1374]

Tallahatchie #6

County Seat: Charleston, Mississippi

- | | | |
|-------|--|--|
| 68005 | About
1953
Refused
Female
(Clerk) | He, Robert Kegler, Grafton Gray and David Allford went to pay their poll tax in about 1953. The lady clerk said they would have to see Sheriff Strider, but he was not in the office. |
| 68012 | Dec. 1954
Clerk | In about December 1954, he was told by the lady that he could not pay his poll tax "just now". Robert Kegler, a Negro, was with him at this time. |
| 68016 | 1951
Refused
Dep. Clk. | In about 1951 he and Rev. Leslie Terry attempted to pay their poll tax. They were told by the deputy that they had to see the Sheriff. They looked for the Sheriff and did not see him. |
| 68016 | 1952
Refused
Dep. Clk. | In about 1952 or 1953 he, David Allford, Robert Kegler, and Floyd Bochair attempted to pay poll tax. They were told to see the Sheriff. |
| 68018 | 1940's
Refused
Tax. Col. | In the 1940's, she was told by a tax collector that she did not need to pay her poll tax. |
| 68037 | Jan. 1951
Dep. Sh. | In January 1951, he and Grafton Gray were not allowed to pay poll tax because they were told the "main man" wasn't in. |
| 68040 | About
1954
Refused
Strider
(Sheriff) | In about 1954 he told the Sheriff at an auction sale that he intended to pay his poll tax since he had read the Sheriff's ad urging everyone to pay. The Sheriff told him the ad was not referring to him. |

[fol. 1375] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF MISSISSIPPI, JACKSON DIVISION

[Title omitted]

Civil Action No. 3312

ANSWERS TO INTERROGATORIES OF STATE OF MISSISSIPPI:
MRS. PAULINE EASLEY, CIRCUIT CLERK AND REGISTRAR OF
CLAIBORNE COUNTY; J. W. SMITH, CIRCUIT CLERK AND
REGISTRAR OF COAHOMA COUNTY; T. E. WIGGINS, CIRCUIT
CLERK AND REGISTRAR OF LOWNDES COUNTY—Filed Sep-
tember 3, 1963.

Appendix

[fol. 1376]

Appendix B

Information by County
After March 24, 1955

[fol. 1377]

Bolivar County #1

Part I

A

The following Negro citizen of Bolivar County was not permitted to apply to register to vote at the Circuit Clerk's office in Bolivar County.

6011 12/57
Refused
Registrar

Went in to register; Registrar refused to give him form saying, "You've been here before. It will be 6 months or a year before you can register." Went in with wife and mother-in-law.

[fol. 1378]

Coahoma #2

Part I

A

The following Negro citizens of Coahoma County were delayed in applying or not permitted to apply to register to vote. All events described below occurred at the Circuit Clerk's office in Coahoma County. In Coahoma County the deputy clerk registers white persons.

14009. 6/29/61
Refused
Delay
Smith-R

He went to office of Circuit Clerk. Informed Mr. Smith he wished to register. Smith gave him an application form and a section of the Mississippi Constitution to write and interpret. After he had completed the form, Smith told him his interpretation of the section was wrong and consequently he had failed. Smith also said he would be very busy for a week, but he could return any time after that.

- 14043 July,
1961
Delay
Smith-R
She went to office of Circuit Clerk to register. Spoke to white lady who said the clerk would see her but was busy at the time. After a 10 minute wait, about 3:30 p.m., the clerk came and told her he could not take any more people that day, and she should come back the next week.
- 14024 Aug.,
1961
Delay
Smith-R
She went to office of Circuit Clerk. Told Mr. Smith she would like to register. Smith said the Circuit Court was in session and he did not have time for her. Smith said she should come back.
- 14013 7/23/62
Delay
Unknown
Went to register and was told that the Circuit Clerk was in Court.
- [fol. 1379]
- 14037 7/23/62
Delay
Unknown
Went to register and was told that the Circuit Clerk was in Court.
- 14044 7/23/62
Delay
Unknown
the Circuit Clerk was in Court.
Went to register and was told that
- 14045 7/24/62
Delay
Unknown
Went to register and was told that the Circuit Clerk was in Court.
- 14046 7/24/62
Delay
Unknown
Went to register and was told that the Circuit Clerk was in Court.
- 14040 7/24/62
Delay
Unknown
Went to register and was told that the Circuit Clerk was in Court.
- 14012 7/25/62
Delay
Unknown
Went to register and was told that the Circuit Clerk was in Court.
- 14036 7/26/62
Delay
Unknown
Went to register and was told that the Circuit Clerk was in Court.

- | | | |
|-------|-----------------------------|--|
| 14042 | 7/29/62
Delay
Unknown | Went to register and was told that the Circuit Clerk was in Court. |
| 14034 | 8/20/62
Delay
Unknown | Went to register and was told that the Circuit Clerk was in Court. |

[fol. 1380]

B

The following Negro citizens of Coahoma County were not registered to vote because they did not interpret the Constitution to the satisfaction of the registrar. All events described below occurred in the Circuit Clerk's office in Coahoma County.

- | | | |
|-------|-------------------------------|--|
| 14023 | 6/14/61
Refused
Smith-R | She went to office of Circuit Clerk to register. Spoke to Mr. Smith who asked her to have a seat for a few minutes, as he was presently busy. After a few minutes, Smith gave her an application form to fill out and Section 126 of the Miss. Constitution to write and interpret. When she had finished, Smith told her she had failed and should try again. |
| 14002 | 6/23/61
Refused
Smith-R | She went to office of Circuit Clerk and told Mr. Smith she wished to register to vote. Smith gave her an application form and a section of the Mississippi Constitution to write and interpret. When she had completed the form, Smith told her that her interpretation was "too simple" and incorrect. Upon query he said she could come back the next day. |

[fol. 1381]

Coahoma County #2

Part II

Application Forms

1 & 2. Number of Application Forms

There are 2425 forms in Coahoma County dating from 4-19-55 to 6-28-62. The following is a breakdown of the forms showing how many persons were registered each year by race.

	Accepted		Rejected	
	White	Negro	White	Negro
1955	316	31	3	11
1956	150	20	3	22
1957	134	22	1	22
1958	183	28	0	40
1959	321	12	1	14
1960	198	39	0	20
1961	277	27	0	17
1962	320	15	14	164
Total	1,899	194	22	310

3. Analysis of the Forms

a. Discriminatory Selection of Constitutional Sections.

Negroes attempted to register in greatly increased numbers in 1962. There were approximately 179 Negroes whose forms had been graded when the government photographed in December 1962.

[fol. 1382]

A (1)

1962

Sections 157 and 162 (difficult sections)

	White	Negro
Number of Applications	334	179
Number given * 157 and 162	11	49
Percentage given * 157 & 162	3 3%	27 0%

164 of these 179 Negroes who applied in 1962 were rejected or 86%. This large number of rejects is due in part to the fact that 49 of the 179 Negro applicants received Sections 157 and 162, difficult sections on the jurisdiction of circuit and chancery courts. Only 3 of the 49 Negroes were able to satisfactorily interpret these sections.

By contrast only 11 of 334 white applicants in 1962 were required to interpret Sections 157 or 162 and the occupations and educational levels of these white persons indicate they were probably capable of interpreting these more difficult sections. All 11 passed—One is a chemist, one a secretary, one apparently a recent college graduate, one a teacher, and one a student.

1962		
Sections 101 and 148 (easier sections)		
	White	Negro
Number of Applications	334	179
Number given	97	18
Percentage given § 101 and § 148	29.3%	9.1%

[fol. 1383] These sections are as follows:

Section 101—"The seat of government shall be at the City of Jackson, and shall not be removed or relocated without the assent of a majority of electors of the state."

Section 148—"The Supreme Court shall be held twice in each year at the seat of government at such time as the legislature may provide.

(3) The use of Section 30, "There shall be no imprisonment for debt", indicates that no Negroes have been given this Section since 1955 and only 4 Negroes were given this section in 1955. By contrast, white persons have continued to receive Section 30 since 1955. The distribution is as follows:

	White	Negroes
1955	54	4
1956	10	0
1957	3	0
1958	3	0
1959	6	0
1960	0	0
1961	6	0
1962	3	0
Total	84 of 1871 or 4.5%	4 of 501 or 0.8%

[fol. 1384] b. Assistance to white applicants

Assistance to whites is manifested primarily by the existence of a standard answer to question 20 on the application form, concerning the duties and obligations of citi-

zenship. This standard answer consists of three ideas: (1) be a law abiding citizen, (2) vote, (3) pay taxes. The use of the standard answer first becomes prevalent in 1959. During the period from January 1, 1959, to December 31, 1961, all three elements are included in the answer to question 20 on 148 applications out of 876. Of these, three are Negroes. The ideas expressed on these applications are the same, although the wording is not always identical; for example, some applicants write 'abide by the law' rather than, 'be a law abiding citizen'; however, the majority of the standard answer applications contain the phrase "law abiding." (1)

- (1) 22 out of 36 in 1961
29 out of 46 in 1960

[fol. 1385] Some of these add an addition element, e.g. 'serve on juries'; some contain an explanatory prefix, e.g., 'the duties and obligations of a citizen are . . .'

	Total Applications	Standard Answer
1959	348	66
1960	257	46
1961	271	36

The standard answer becomes more pronounced in 1962. Out of 334 applications submitted by white citizens, 42 contain the standard answer to question 20, with some variation in phrasiology. The following 25 white applicants gave substantially identical answers to question 20:

Name and Date of

Application

Answer

Everett, Helen Marie
1-15-62

Vote, pay taxes and be a law abiding citizen.

Milton Wayne
1-15-62

Pay your taxes, vote in all elections, be a law abiding citizen.

Buford, Eubil W.
1-19-62

Be a lawabiding [sic] citizen, pay all taxes and vote in all elections.

Evans, D. A. Mrs.
1-19-62

Pay your taxes, vote and be
law abiding citizen.

Hood, Kenneth Lee
1-25-62

Pay all taxes vote in all
elections and be a law abid-
ing citizen.

Bailey, James C.
2-5-62

Vote in all elections pay all
taxes and be a law abiding
citizen.

[fol. 1386]

Moore, Willie Ray
1-25-62

Pay all taxes. Vote at all
elections and be a law abid-
ing citizen.

Bennett, James H.
1-25-62

Pay all taxes vote in all elec-
tions and abide by the laws.

Fowler, Cecil
1-29-62

Pay taxes, Vote, and be a
law abiding citizen.

Guthrie, Jessie Robert
1-30-62

Pay all taxes [sic] vote in all
elections and be a law abid-
ing citizen.

Thorn, Leroy O.
1-30-62

Pay your taxes. Vote in all
elections and be a law body-
ing [sic] citizen.

Mullins, A. Lois
1-31-62

To pay all taxes & register
to vote and vote in all elec-
tions. Be a law abinding
[sic] citizen.

Burchfield, Henry Graver
1-31-62

every citizen should vote and
pay all taxes and be a law
abinding [sic] citize.

Aderson, Floyd Leon
1-31-62

pay your taxes vote in all
elections and abide are [sic]
law.

Ward, Charles E.
2-1-62

To make a good citizen you
should pay all taxes be a
law abiding citizen and vote
in all elections.

Ross, William T.
2-1-62

Pay all taxes Be alaw [sic]
abiding citizen Vote in all
elections

Mullin, Percy Lee
2-2-62

Pay all taxes vote in all elec-
tions and be a law abinding
[sic] citizen.

Rickles, Clinton Lavelle
2-5-62

pay all your tax vote at all
elections and be a law abid-
ing citizen.

[fol. 1387]

Peters, Alexandria
2-8-62

Pay all taxes, Vote in all
elections and be a law abid-
ing citizen.

Kelly, Eugene Mrs.
2-9-62

pay your poll tax every year
vote in all elections and be
a law abiding citizen.

Wheat, Gerald O.
2-24-62

By paying taxes, oberying
the law voting.

Ivy, William Edward
3-8-62

A person should feel privi-
lege to vote and pay taxes
& uphold to the law.

Lockett, Loretta
(Mrs. W. H.)
3-16-62

pay all your taxes. Vote in
all elections and abide by
the law.

Odom, Prentiss Mrs.
4-9-62

abide by the laws of the
state pay all taxes vote in
all elections

Knight, Annie Bell
6-29-62

pay all taxes vote in all elec-
tions be a law abiding citi-
zen.

c. Grading

The following are interpretations of accepted white applicants and rejected Negroes who received the indicated sections of the Mississippi Constitution to interpret:

Accepted

Rejected

Section 101

Wheat, William Lee

White — 2-24-62

Farm Helper

"It means that the majority of the people of Mississippi has to vote on it."

Chaners, Andrew

Negro — 5-25-62

Rubber work

"The headquarters or seat of government of Mississippi or any state shall not be moved or relocated without the assent of $\frac{2}{3}$ of the electors of said state."

Boehm, Edward R.

White — 3-2-59

Machine Operator

"Support of the government of the state can not be much without everybody voting for it."

[fol. 1388]

Cole, Woodrow

Negro — 5-7-62 — buchier

"The seat of government shall not be remove wouth [sic] The morjoty [sic] of votes."

Accepted

Rejected

Section 157

Abernathy, Glenda Faye

White — 1-24-62

Housewife

"Any case brought into the circuit court, if seen fit, shall be transferred to the chancery court."

Robinson, Callie Donie

Negro — 1-21-62

Téacher

"The causes that are brought into the circuit court, It is the power of the chancery court to transfer it to the chancery court with its jurisdiction."

Smith, Jewel Mansfield

White — 1-26-57

Teacher

"If a case is brought in one court and tried and you are not satisfied, it may be carried to a higher court."

Shelton, Y.*

Negro — 4-19-62

Farm

"all causes that are brought to the circuit court that belong to the chancery court must be carried to the chancery court."

McCorkle, Emma

Negro — 8-8-62

Student

"Causes that are brought into circuit court such as a divorce may be transferred to the chancery court."

Accepted

Rejected

Section 162

Cole, Julian N.

White — 11-5-28

Airplane repair

"as I see it should be handled in circuit court in the first place."

Banks, Helen

Negro — 3-6-62

Maid

"Any causes that is brought in the chancery court if it is a case of trial for the circuit court is can be transferred to the circuit court to be in charged."

Lankford, Hansel H.

White — 1-5-58

Parts and service manager

"The chancery court shall submit to the circuit court as Subscribed by law."

Hurley, Andrew

Negro — 9-12-62

Student

"This means that the circuit court is a higher court than the chancery court and is supreme such the chancery court. When the case is to large for the chancery court then the circuit court will handle it because it is higher than the chancery court."

*Race identification not absolute.

Moore, Charles Presley

White — 3-5-57

Baker

“Take the mater out of the
cort and file it in the proper
cort.”

[fol. 1389]

Accepted

Rejected

Section 226

Bargognoni, Barbara Jean

White — 8-11-58

Beautician

“It means that a convict,
who has be convicted or for
a crime cannot leave the
place they are convicted un-
til they have served their
sentence.”

Jones, Ora Lee

Negro — 5-3-62

Farming

“There is a law and shall
be laws that no convict or
convicts shall be hired or
leased to persons or corpo-
ration. When one has com-
mitted [sic] a crime or crimes
they are put the county jail
and have their sentence
given them and each con-
vict shall work their time
out as the law say.”

[fol. 1390]

Coahoma County #2

Part III

The following negro citizens of Coahoma County have been denied registration on the basis of their interpretations of the Mississippi Constitution. The list is chronological. The identifying number, where it appears, refers to the answer to interrogations 23 and 24 of the State of Mississippi.

Name	Address	Date of Application
Wilson, W. C.	413 McKinley St.	7- 2-55
Cox, Mamie A.	511 Lincoln St.	1-14-56
Francis, Rosia K.	145—8th St.	1-25-56
Walls, Naomi Yvonne	525 Barnes St.	1-30-56
Kilpatrick, Pearlle C.	426 Magnolia Ct.	2- 7-56
Kilpatrick, Pearlle C.	426 Magnolia Ct.	2- 9-56

Name	Address	Date of Application
Kelly, Virgia Mae	629 Barnes Ave.	2-29-56
Kelly, Virgia Mae	629 Barnes Ave.	2-29-56
Davis, Walter	Lyon	8- 3-56
Ware, Bertha	616 Page Ave.	10-31-56
Rhodes, Willis H.	Jonestown	1-17-57
Jefferson, Ella Grader	Farrell	1-28-57
Edward, Lucy P.	429 Prince	1-28-57
Edwards, Lucy P.	429 Prince	1-28-57
Brunson, Jimmie	Riverton	2- 2-57
Brunson, Jimmie	Riverton	2- 2-57

[fol. 1391]

Jefferson, Ella Grader	Farrell	2- 4-57
Williams, Lena	Clarksdale	1-14-58
Hollingsworth, Millie	1636 6th St.	1-15-58
Hollingsworth, Millie	1636 6th St.	1-15-58
Redmond, Mary Ella	2446 E. 2nd St.	1-21-58
Cavin, Velka	2430 E. 2nd St.	1-21-58
Carnes, Ruth Smith	808 McKinley Ave.	1-25-58
Davis, Charlie	450 McKinley Ave.	1-25-58
Morton, Annie	1731 Sycamore	1-28-58
Williams, Otho	122 State St.	1-28-58
Carnes, Ruth Smith	808 McKinley Ave.	1-25-58
Stansbury, Willie H.	630 Paul Edward St.	1-30-58
Wilson, Julius	103 15th St.	1-30-58
Hintz, Irene	219 Edwards Ally	1-31-58
Morton, Annie May	1731 Sycamore St.	1-31-58
Washington, Eva Elizabeth	918 Page Ave.	1-31-58
Kelly, C.	1630 6th St.	2- 2-58
Taylor, Jessie Lee	404 Garfield	2- 4-58
Adam, Sarah Mae	525 Garfield	8- 6-58
Washington, Emma	South	5-15-59
Morris, Georgia Meria	1648 Sycamore	6-20-59
Brunson, Katie Mae	410 Washington St.	6-25-59
Brunson, Katie Mae	410 Washington	6-26-59
Brunson, Katie Mae	410 Washington	6-30-59

[fol. 1392]

Harper, Jessie Mae	447 Garfield St.	1-27-60
Gooden, Addie Lee	429 Lincoln	1-29-60
Turner, Edward P.		2- 4-60
Turner, Edward Prince	Paul Edward and Seven St.	2-10-60
Petties, Jessie Calvin	Clarksdale	2-12-60
Stewart, Maron	1730 Sycamore St.	10- 3-60
Shaw, Corine	801 Cherokee Ave.	10- 3-60
Dixon, Annie Bell	Sunflower	10- 3-60
Bullock, Sallie	1012 6th St.	10- 3-60
Cooper, Minnie Collins	610 Ashton	10- 5-60
Cooper, Mignie Collins	610 Ashton Ave.	10-31-60
14027		
Johnson, Idessa Mrs.	208 So. Edward	6-14-61
Acox, James	715 Paul Edwards St.	6-23-61
14002		
Flagg, Cora Lee	Stovall Miss.	6-23-61
14029		
14009		
Calvin, Inez Mae Thomas	Riverton	7- 6-61
Shaw, Corine	801 Oakhurst	10- 6-61
Amos, Robert	Sherard	1-25-62
Wiseman, Mary Lee	South	2-14-62
Banks, Helen	419 Adam Ave.	3- 6-62

[fol. 1393]

Name	Address	Date of Application
Love, Sarah Lee Mrs.	917 Page Brick Yard District	3-11-62
Cooper, Muriel Collins	South Clarksdale	3-22-62
14043		
Tigue, Saah	522 Yazoo Ave.	2-26-62
Washington, Eva Elizabeth C.	918 Page Ave.	3-26-62
Brown, Thelma M.	Friars Point	3-28-62
Manery, Ruth Mae	129 Douglas Ave.	3-29-62
Cole, Woodrow	517 Grant St.	4-4-62
Jackson, Eula Mae	—	4-4-62
Johnson, Annie W.	Jonestown	4-4-62
Cole, Woodrow	507 Grant	4-6-62
Black, Peter Rev.	Jonestown	4-11-62
Hanes, Idell	Jonestown	4-19-62
Shelton, Y.	Beat three	4-19-62
Johnson, Adeline	612 Page St.	4-25-62
Jones, Ora Lee	Jonestown	5-3-62
Cole, Woodrow	1756 Evan St.	5-7-62
Wilson, Elejah	444 Adam St.	5-18-62
Brunson, Katie Mae	410 Washington	5-21-62
Robinson, Callie Donie	Lula	5-21-62
Delany, Katie B. Mrs.	417 Harrison	5-23-62
Channers, Candrew	Roundyard District	5-25-62
Johnson, Adeline Mrs.	612 Page Street	5-30-62
Jones, Tommie Jr.	418 Bolvor Ave.	6-27-62
Byas, Rosie Lee	231 Adam Ave., Clarksdale	7-15-62
14011		

[fol. 1394]

Lofton, William Eddie Jr.	13th 17th St., Clarksdale	7-30-62
Parker, Florence Mrs.	415 Zazoo Ave.	7-31-62
Maiden, Velma Mrs.	—	8-1-62
Walker, Tiny Mae	912 Florida St., Clarksdale	8-1-62
Wright, Dorothy Mrs.	352 Jefferson Ave.	8-1-62
Miles, Isaac Rev.	519 Sunflower	8-3-62
McMillians, Geneva	747 Lincoln St.	8-6-62
Randolph, Carrie Lee	617 Garfield	8-6-62
Benson, Arbertha Mrs.	410 Quincy Ave., Clarksdale	8-8-62
McCorkle, Emma	211 Adams Ave.	8-8-62
Johnson, Evelyn Mrs.	1204 Jimison, Clarksdale	8-9-62
Montgomery, Leather Mrs.	112 Adams Ave.	8-9-62
Smith, Zular Mrs.	411 Jefferson	8-9-62
Miller, Ella Mae Mrs.	Garfield St.	8-10-62
Brown, Marlene Mrs.	916 Pase	8-13-62
Houston, Willie Mae	114—13th St., Clarksdale	8-13-62
McBride, Jettie Pearl Mrs.	South—914 Page St.	8-13-62
Wright, Ella Dean	443 Quincy	8-13-62
Jackson, Bula Mae McGee	514 Jefferson Ave.	8-16-62
Paker, Lonnie Mr.	409 Ashton Ave.	8-17-62
14036		

[fol. 1395]

Henry, Ruthie Lee	123 6th St.	8-19-62
Holmes, Odessa	139—18th St., S. Clarksdale	8-21-62
Hunter, Georgia Mrs.	518 Paul Edward	8-21-62
Trotter, Mattie Pearl	608½ Grant St.	9-5-62
Hurley, Andrew	410 McKinley St., Clarksdale	9-12-62
Green, Alice Louise	807 Paul Edwards, Clarksdale	9-17-62
14013		
Lampkin, Irene	219 18th St., Clarksdale	11-1-62
Mix, Savannah	137 16th St.	11-16-62

[fol. 1396]

DeSoto #3

Part I

A

The following Negro citizens of DeSoto County were not permitted to register or were delayed in their attempts to register to vote. The events described below occurred at the Circuit Clerk's office in DeSoto County.

- | | | |
|-------|--|--|
| 17005 | Since
1955
(6 times)
Refused | Has gone at least six times since 1955 and has never been allowed to fill out a form. Was told such things as the books are in Jackson, the clerk is unavailable, the test is difficult for Negroes, that he would have to know the Constitution "by heart", etc. |
| 17000 | 1958 or
1959
Refused
Lady | Went to clerk's office and lady asked him his age. He told her (74 yrs.) and she said that he would have to get an exemption certificate before he could register. He went to Sheriff's office and was told that he didn't need an exemption certificate since he paid only property taxes. He went home. |
| 17007 | 1959
Accepted
then re-
jected
Ross | Went to the courthouse with Rogers Cleveland Williams and Lewis Jones. Was given a form and filled it out completely. Registrar asked her if her husband know that she was trying to register and what did he think of it. She was subsequently allowed to sign the Registration Book. When she went back to vote later in 1959 she was told that he name was not in the book so she has never voted. Reel 3, #1160 shows that she and her son (R. C. Williams) were registered on 5-31-55 but their names are crossed out and "Application Rejected" is written in. |

17008 1960
Refused
Accepted
Davis

Went to register on Saturday and was told to wait until Monday (by the Circuit Clerk). Returned on Monday and waited from 8:00 a.m. until 5:00 p.m., but Davis never showed up. White woman behind the counter said the clerk was out. When he went back the next day he was required to display two poll tax receipts before being allowed to apply.

[fol. 1397]

17001 About
Feb. 1961
Refused
Lady

We went to register with Rev. H. W. Walker and was told by a female deputy registrar that he would have to return when the registrar was in. Waited an hour and left.

17002 1962
Refused
Lady

Went to clerk's office to register to vote. The lady told him he would have to see Mr. Davis.

B

The following Negro citizen was not permitted to obtain a poll tax exemption certificate at the Circuit Clerk's office in DeSoto County

17002 1962
Refused
Roll Tax
Exemption

Went to clerk office to get his exemption certificate and the woman deputy there told him that he had to have his last poll tax receipt.

[fol 1398]

C

The following Negro citizens of DeSoto County was not permitted to register to vote because her interpretations did not satisfy the Registrar. The events described below occurred in the Circuit Clerk's office in DeSoto County.

17004 May, 1962 Rejected Davis-R	Went to register with Lovell Williams, Mrs. S. R. Williams, and Hinds Baptist. Left when Mrs. Williams was told that they would have to come back about 1:00 p.m. Came back at 2:00 p.m. Received a short section to interpret and was later told by Davis, "I'm not supposed to do this, but I'm going to tell you what's wrong with your answer." Mr. Davis then told her his interpretation of the section.
---	--

17004 Late May or June, 1962 Rejected	Went to register and was given form by a woman deputy. Received a long, difficult section of the Constitution to interpret. Returned about a week later and was told by same lady, "Well, you didn't pass."
--	---

D

The following Negro citizen of DeSoto County was not permitted to register to vote because she did not sign the application form. This occurred at the Circuit Clerk's office in DeSoto County.

17007 April, 1962 Rejected Lady-Dep.	Went to courthouse with her daughter, Lovell, and Gladys P. Muse. Woman deputy gave her a form and she filled it out. The woman later told her that she had "filled it out allright, but you didn't sign your name to it."; she was rejected.
---	---

[fol. 1399]

Panola #4

Part I

A

The following Negro citizens were refused registration as described. The events took place in Sardis or Batesville in the Circuit Clerk's office.

- | | |
|---|--|
| <p>54030 Spring,
1959
Refused
Duke-R
Batesville</p> | <p>He went with Willie Kuykendall to the Batesville office where the lady deputy clerk told him that they'd have to wait for Duke to come from Sardis. Duke came in 40-45 minutes later. He waited 30-40 minutes while Kuykendall filled out a form; Duke then told him that he could not register, as he did not have 2 poll tax receipts with him.</p> |
| <p>54010 Jan. 20,
1962
Refused
Woman
Sardis</p> | <p>He went to the office in Sardis with J. L. Holt. Duke was not present. Lady clerk told them Duke was in Batesville, and they would have to wait for Duke in order to register or come back another day. They left.</p> |
| <p>54007 Jan. 20,
1962
Refused
Woman
Sardis</p> | <p>He went to register with other Negroes in Sardis. Lady in the office said they would have to wait for Mr. Duke in order to register or come back. They left.</p> |
| <p>54008 1-22-62
Refused
Duke-R
Sardis</p> | <p>He went to register with four other Negroes. Duke questioned him as to his age, and he told Duke he would be 21 on February 7, 1962 (2 weeks later). Duke told him that he had to be 21 to register and to come back when 21 years old. White persons under similar circumstances were registered without question.</p> |

54010 Jan. 22,
1962
Refused
Duke-R
Sardis

He went with several other Negroes to apply. Duke refused to permit them to register because they had only one poll tax receipt. (White persons were not required to produce such receipts as a prerequisite to registration).

[fol. 1400]

54007 Jan. 22,
1962
Refused
Duke-R
Sardis

Went to register with four other Negroes. He was not permitted to apply on the ground that he had not paid poll taxes for the two previous years.

54003 Jan. 22,
1962
Not Permitted to
Apply
Leonard
Duke
Sardis

Went to registrar's office with four other Negroes, J. L. Holt, Sanford Johnson, Earl Johnson, and S. T. Whiting. Duke refused to permit him to register because he had paid his poll tax only once.

[fol. 1401]

B

The following Negro citizens were delayed in making application for registration. The events occurred at Sardis or Batesville as indicated. In Panola County women deputy clerks handled the registration of white applicants.

54029 Spring,
1959
Rejected
Duke-R
Batesville

Went to apply with 2 other Negroes. The lady deputy clerk told them that only Duke could register them; he arrived from Sardis 30 to 35 mins. later. They went in one-at-a time. He was 2nd (after Miles) and filled out a form, including copying and interpreting section 212 on which he thinks he erred. He was rejected.

54024 Spring,
1959
Rejected
Duke-R
Batesville

He, Cox, and Middleton went to the Batesville office and the lady told them they had to wait for Duke, who arrived 15 to 20 mins. later. Duke took them one at a time and filled out a form, including copying and interpreting section 282. He turned in the form when he finished it. He never heard results and thinks that he erred in his interpretation.

54015 Spring,
1959
Rejected
Duke-R
Batesville

Went to register with two other Negroes, Thomas and Cox. Lady got Duke who arrived after 15-20 minutes. Duke took them one at a time; he was last. He did not complete the form, and Duke closed the office. He asked Duke if he could finish next morning; Duke said he didn't know because Court was going on. Next morning he went back. Duke told him to come back after lunch, which he did. He was required to complete a new application form. The next day he returned because he thought he had failed to sign the form. Duke said "Well you didn't make it".

[fol. 1402]

54001 April, 1959
Rejected
Duke-R
Batesville

He and 2 other Negroes were told by a lady clerk that she would have to get Duke. He arrived in 25-30 minutes and took them one by one (Cox first). He filled out the form completely in one hour, including copying and interpreting section of Constitution. He gave the form to Duke who said he'd be notified if he passed. He never heard.

- 54011 May, 1959
Rejected
Duke-R
Batesville
- He and another Negro were told by lady deputy (Mrs. Draper-Meek) to wait for Duke. He arrived 30 to 40 mins. later and took them one-at-a time (Kuykendall first). He completed form but left interpretation of section 266 blank. Duke did not tell him whether he passed or failed and he never heard from his application. While he was filling out form, Duke told him to hurry, dropped books, and harassed him.
- 54019 May, 1959
Rejected
Duke-R
Batesville
- He went to register with two other Negroes, Miles and Cleveland Williams. The lady in the office said she could not register them and that she would call Duke. Duke arrived about 30-40 minutes later. He permitted them to apply only one at a time; he was last. After he completed the form, Duke told him he would hear from him if he passed. He never heard.
- 54016 5-9-59
Rejected
Duke-R
Batesville
- Went with two other Negroes, Cleveland Williams and Jesse Rudd. Lady clerk called Duke who was in Sardis. They waited until Duke came. He took them one at a time. Received Section 228 of the Mississippi Constitution to write and interpret. Duke said if you don't hear, you didn't pass, and told him that if he failed this time, there was no need to come back to try again. He never heard results.

[fol. 1403]

- 54006 August, 1960 He went to register with three other
Rejected Negroes, Mac Rice, Richard Sanders,
Duke-R and Rufus Stokes. Duke told them
Sardis to wait until he was ready. After
twenty minutes Duke called them in
one at a time. He did not complete
the form.
- 54018 August 1960 Went to Duke's office with three
Rejected other Negroes, Richard Sanders,
Duke-R Rufus Stokes, and Walter Harris.
Sardis They were required to wait, and were
taken one at a time. He was the
third one in. He told Duke he
couldn't do much with it and asked
permission to take it home and com-
plete it. Duke said it would do no
good, "because I have a hundred
points of law against you anyway".
- 54028 1-15-63 After paying poll taxes for the sec-
Rejected ond time, he went to Clerk's office to
Duke-R register. He received section 23 to
Sardis interpret. He completed questions
1-18 on form and asked Mr. Duke if
he could take the form home to study
it; Duke refused. He was not advised
whether he passed or failed, nor of
the publication requirement. He was
told to come back in 15 days, which
he did. When he returned, Duke told
him to come back in 15 more days,
which he did. Duke was not there
and lady said he must come back to
see Duke for results. He subse-
quently returned and was told he
was rejected.

[fol. 1404]

C

The following Negro citizen's experience illustrates that use of the constitutional interpretation test deters Negro citizens from applying for and becoming registered voters.

54014 Spring,
1960
Deterred
Duke-R
Sardis

She went to office to inquire about registration requirements. Duke told her she needed two poll tax receipts and that she must answer about 40 questions on the constitution. She asked him for a copy of the constitution so she could study it. She told Duke it would be impossible to pass a test on something she had not been taught. Duke said, "You are right." He refused to lend her a copy of the constitution. She did not apply for and become a registered voter until 1963 after the suit of *U. S. v. Duke* was tried in March 1963.

[fol. 1405]

Panola County #4

Part II

Application Forms

1. Number of Forms

The first form is dated 1/7/60. The United States filed a suit against Mr. Duke, the Registrar, on October 16, 1961. Prior to that time Duke retained only 15 application forms; all were of white applicants.

Whites

Accepted	250
Rejected	25
(Not graded at time of photographing in March 1963)	42

Negro

Accepted	1
Rejected	1

2. Periods Which Forms Cover

(a) January 7, 1960—October 16, 1961 which is the period from the date of the first form to the date of filing of the Complaint against Mr. Duke on October 16, 1961.

Total Number of Forms

Total Number of Persons Registering

White

White

Accepted	12	
Rejected	1	196
Insufficient Residence	2	
Total	15	Total 196

[fol. 1406]

(b) October 16, 1961—January 28, 1963.

This covers the time from the date of filing of suit against Mr. Duke until the date the records in his office were first photographed (Pending forms not listed).

White

Accepted	117
Rejected	10 (4 of whom subsequently registered)
Absentee	1 (Absentee—not completed)

Negro

Accepted	1
----------	---

(c) January 28, 1963—March 16, 1963

Period covers from date of first photographing until date of trial against Mr. Duke.

White	
Accepted	129
Rejected	9
Pending	42

Negro	
Rejected	1

3. Analysis of Forms

(a) Selection of Sections of the Constitution

	Section	White	Negro
	20	57	
	22	41	
	14	34	
	15	30	
	28	23	
	8	23	
[fol. 1407]	29	18	1*
	11	14	
	23	9	1**
	116	9	
	30	8	
	25	8	
	31	6	
	117	5	
	118	5	
	265	4	
	7	4	
	33	3	
	207	2	
	10	2	
	1	1	
	24	1	
	51	1	
	122	1	
	123	1	
	128	1	
	154	1	
	240	1	
	250	1	

* This Negro, Houston Potts was the first applicant in Panola County to receive Section 29 to interpret (April 23, 1963).

** This Negro, T. S. Whiting was the 2nd person in Panola County to receive this section to interpret, (January 15, 1963).

Four rejected Negro applicants who applied for registration in 1959 for which forms were not retained received the following sections. The incidence of these sections in the retained white application forms is also shown in the following table.

[fol. 1408]

Section	Subject Matter	Negro	White
212	Rate and distribution of interest on certain educational trust funds	1	0
228	Constitutional recognition of legislature's division of alluvial lands into two levee districts	1	0
266	Limitation on holding of state office when holding rights of powers of office of honor or profit under federal or foreign governments	1	0
282	Constitutional recognition of liabilities of state and local governments on recognizances, bonds, obligations and other instruments executed before adoption of Constitution	1	0

The following white registrants testified at the trial of *U.S. v. Duke* in March 1963 with respect to the selection of constitution section which they were given to interpret.

Name	Date	Experience
Bettie Mae Mitchell	1/15/62	This registrant testified (Tr. 112) that she was permitted to choose her constitutional section.
Sandra Lee Jackson	1/26/62	This applicant was permitted to choose her constitutional section after she told the deputy clerk that the assigned section was too difficult (Tr. 171).

[fol. 1409]

(b) Assistance to White Applicants

The following white registrants testified at the trial of *U.S. v. Duke*, March 1963. All received assistance in completing their application forms. All were registered by Duke or his agents. (Transcript references are to the Transcript of the Testimony at the trial). All were registered by Duke or his agents.

The following is a list of illiterate and semi-literate white witnesses all of whom were registered by Duke and his agents.

Name	Education	Experience
Maudie Darby 7-7-55	3rd grade	Illiterate—could not read or understand Question 20 about the duties of citizenship. She just signed the book. (Tr. Darby, Maudie, 22).

Name	Education	Experience
Audrey Darby 7-7-55	—	Illiterate—could not read Question 20 about the duties of citizenship. He just signed his name, and nothing else. (Tr. Darby, Audrey, 247, 248).
James Myers 1-13-58	10th grade	He could not read Section 30. (There shall be no imprisonment for debt.) He read "That should be no . . ." He could not read and did not know the meaning of "imprisonment" or "debt". The man helped him fill out his form. (Tr. Myers, 190-192.)
Mrs. Jesse Darby 1-30-58	5th grade	At the time she applied she had been ill and "wasn't able to read and write much". Her husband helped her with the form. (Tr. Darby, Mrs. Jesse, 255).
[fol. 1410]		
James Hudson 1-31-58	6th grade	He declined to read due to eye trouble, but didn't have eye trouble when he applied. He did not fill the form out by himself, but worked it out with his wife. "I couldn't read perfect. I ain't no college graduate or nothing like that." (Tr. Hudson, 175, 176, cross exam. 177).
Oscar Barlow 1-21-59	8th grade	He could not read all of Question 20. He filled out only one side of the form and didn't write the duties of a citizen or copy and interpret a section of the Constitution. (Tr. Barlow, 135, cross exam. 136-137; re-direct 138-139).
Mary Etta Peples 1-30-59	6th grade	Read Question 20 except for word "Constitutional". Did not know what it meant. Received form and "I signed what of them I knew, and them I didn't know I left blank, and then I signed a big book." Doesn't recall copying a section of the Constitution. (Tr. Peples, Mary, 227-229.)
William Peples 6-27-59	5th grade	Illiterate—cannot read or write. Ross Darby filled out his form for him. (Tr. Peples, Wm., 78, 79).
Earlie Moore 7-3-59	6th grade	Illiterate—he told the lady he couldn't read or write. His sister-in-law filled out his form for him. Could not read Section 30 or any of the words in it. (Tr. Moore, 286, 287).
[fol. 1411]		
Alvin Nolan 10-22-60	3rd grade	Reads and writes, "some, slow." He read Section 1 as follows: "The power of the Governor of the State of Mississippi shall be . . . same of which are . . . which are . . . and those which are . . ." He did not write an interpretation of the section he copied. (Tr. Nolan 311, 313).
Curtis Tutor 8-11-61	8th grade	He did not read Section 7. "I can read it to myself but I don't understand what it means . . . There are some words in there I don't know." The lady helped him. She explained what some of the words meant. (Tr. Tutor, 306-308).

Name	Education	Experience
Wayne Stephens 5-18-62	8th grade	"Duke gave him Section 30. He did not understand it. Duke told him what to write down for the interpretation. Duke also told him what to write in answer to Question 20 concerning the duties of a citizen. (Tr. Stephens, 89-90, 94). He did not know the meaning of Question 19 (calling for a reasonable interpretation of the section) or Question 20. (Tr. Stephens, cross-exam. 100-101, 103).

C. Grading

In Panola County, an analysis of the application forms of white applicants shows that persons are registered whether or not they write a reasonable interpretation of a section of the Constitution or complete a perfect form.

[fol. 1412]

(2) Errors and Omissions on Application Forms of White Registrants*

Name and Exhibit No.	Date	Questions Omitted or In Error	Remarks
A. F. Daws, Jr.	6-21-61	11	§ 11 (prior place of residence) blank.
Eva Sullivan	8-1-61	3	registrant was born in 1905 and applied her age to be 53.
Leah M. Park	9-7-61	12, 13	Checked 2 oaths in § 12.
L. Y. Henderson	1-8-62	10-Affidavit	This registrant would not have lived in her district for 1 year at the time of the June, 1962 primary election.
H. W. Sutton	1-12-62	10-Affidavit	This registrant would not have lived in his District for 1 year at the time of the June, 1962 primary election.
S. D. Roberson	1-19-62	8	This registrant would have been in Mississippi for only 17 months at the November, 1962 general election.
J. W. Hendrix	1-20-62	11	Prior place of residence blank.
M. L. Blackmon	1-20-62	10	This Applicant would not have lived in her election district for the November, 1962 general election.

* This table refers only to application forms with significant errors or omissions, some of which show the registrant to have been not qualified at the time he applied. Trivial omissions of data which appear elsewhere on the form are not recorded. Thus more than 30 students and housewives left blank the questions relating to their place of employment and the name of their employer. Similarly omitted are forms on which the applicant failed to indicate what he wished to be called if there was another person of the same name in his district. Incomplete answers are not noted if they were responsive.

[fol. 1413]

Name and Exhibit No.	Date	Questions Omitted or in Error	Remarks
I. K. S. Perkins	2-5-62	10 & Affidavit	This registrant would not have been in Mississippi for 2 years at the time of the June, 1962 primary election.
Virginia M. Floyd	4-9-62	11	Prior place of residence blank.
T. L. Curry	4-24-62	12	Checked 2 oaths.
G. L. Whitten	5-11-62	8, 9, 10	Length of residence in Mississippi, blank (8); place of residence, blank (9); date residence began (10) "Tocowa".
Richard B. Adams	5-25-62	10, 11	Length of residence and prior place omitted.
D. F. Clark	8-20-62	11	Question relating to prior place of residence omitted.
W. T. Hudson	8-25-62	12	Incorrect double entry at oath question.
S. N. Massey	8-28-62	11	Prior place of residence left blank.
R. K. Shideler	10-22-62	10 & oath	Applicant's signature line blank; and he would not have been in election district for 1 year before November, 1962 general election.
B. F. Bickerstaff	10-27-62		Applicant's signature line blank.
S. J. Land	10-27-62		Applicant's signature line blank.
H. R. Durham	11-8-62		Applicant's signature line blank.

[fol 1414]

P. T. Grogan	12-18-62		Applicant's signature line blank.
J. B. Sykes	12-20-62		Applicant's signature line blank.
J. S. Meek	12-28-62		Applicant's signature line blank.
P. S. Baker	12-27-62	5	Applicant's signature line blank and question 5 (place of business) blank.
Robert M. Bailey	12-27-62	10	Length of residence in district answered "None."
Mrs. M. L. Brewer	1-2-63	13	#13 (check appropriate oath) answered "No".
N. J. Perkins	1-8-63	Oath	"sprong Port" inserted instead of "Panola" in oath.
M. B. Pardoe	1-9-63	9, 10, 11	This registrant stated that she lived in her present district for 6 months (10), that her latest residence was Largo, Fla. (11), but that she had been in Mississippi for 22 years (9).
C. L. Pitcock	1-12-63	13	20-year-old applicant checked wrong (general) oath.
D. S. Morris	1-14-63	13	Double entry at oath question.
M. E. Brown	1-21-63	13	Double entry at oath question.
O. H. Hawkins	1-21-63	10	Length of residence in district omitted, but different previous place of residence inserted in Question 11.
T. W. Martin	1-22-63	11, 13, 14	#11 (previous place of residence) blank; wrong oath checked in #13.
H. R. Ellis	1-25-63	13	Wrong oath checked in #13.
R. R. Gladney	2-2-63	13	20-year-old applicant checked wrong (general) oath.
C. A. Anderson	2-2-63	13	Double entry in #13.

[fol. 1415]

Name and Exhibit No.	Date	Questions Omitted or in Error	Remarks
N. R. Blasingame	2-5-63	10, Oath	Applicant will not have lived in election district for 1 year at time of August, 1963 election.
Vontice Howell	2-6-63	4, 5	#4 (occupation) blank; #5 (place of business) incomplete.
B. A. Nelson	2-9-63	13	20-year-old applicant checked wrong (general) oath.
P. D. Freeman	2-12-63	13	20-year-old applicant checked wrong (general) oath.
A. J. Gaines	2-16-63	11	#11 (previous place of residence) left blank.
R. P. Cook	2-16-63	13	20-year-old applicant checked wrong (general) oath.

[fol. 1416]

B. D. Fowler	2-19-63	13	20-year-old applicant checked wrong (general) oath.
N. J. Goforth	2-20-63	13	20-year-old applicant checked wrong (general) oath.

[fol. 1417]

(1) Selected Forms of White Registrants With Unreasonable Interpretations of Constitutional Sections

Section 14. No person shall be deprived of life, liberty, or property except by due process of law.

Name: Richard Earl Adams

Date: May 25, 1962

Interpretation: "Be free of all personal property, and life only to be taken away by law."

Section 15. There shall be neither slavery nor involuntary servitude in this state, otherwise than in the punishment of crime, whereof the party shall have been duly convicted.

Name: Nella Jean Perkins

Date: January 8, 1963

Interpretation: "You Cant enpreson eny one eny linth of time unless they have bin convicted of a crime"

Section 20. No person shall be elected or appointed to office in this state for life or during good behavior; but the term of all officers shall be for some specified period.

Name: Mrs. Eva Sullivan*

Date: August 1, 1961

Interpretation: "An a honest christian woman. Never broken any laws, uphold all laws of U.S. states of America. should be elected for 2 yr. or for term fixed by law."

[fol. 1418]

Name: Gordon L. Whitten*

Date: May 11, 1962

Interpretation: "You can proble stay for one or two times than they would let some one else run or they would have the right to run. timer is user for 4 years."

Name: Norma Jean King

Date: July 13, 1962

Interpretation: "This section means that no one person who should ever be elected in this state will ever have to serve more than the specified amount of years in office, and also that said person should maintain good behavior for that amount of office years. Also should have good behavior before try's to be elected."

Name: Robert M. Bailey

Date: December 27, 1962

Interpretation: "A person can be elected to office if he or she have a good reported. If there don't have a good report there should not be in office. There can serve a period of 4 year."

*This registrant answered Question 20 ("Write in the space below a statement setting forth your understanding of the duties and obligations of citizenship under a constitutional form of government.") as follows: "up hold all laws of a good ceetre(?) of U.S. states."

Name: Ruth L. Shideler

Date: February 12, 1963

Interpretation: "Every office has a term which cannot be changed by the elected or appointed. He has to be without blemish of jail or any prison record."

Section 22. No person's life or liberty shall be twice placed in jeopardy for the same offense; but there must be an actual acquittal or conviction on the merits to bar another prosecution.

Name: Martha Blackmon

Date: January 20, 1962

Interpretation: "No person can be accused and prosecuted of the same crime twice unless he has been forgiven and set free from the first, or either been convicted."

[fol. 1419]

Name: Melvin T. Williams

Date: October 8, 1962

Interpretation: "It means that any one person can not be tried for the same crime twice unless he is actual proven not guilty. But if the jury is hung up or can not reach a majority in this, there can be another trial on this man."

Section 28. Cruel or unusual punishment shall not be inflicted, nor excessive fines be imposed.

Name: Mrs. Patricia F. Magee

Date: May 12, 1962

Interpretation: "I believe that the meaning of the statement of Section 28 is: When any officer of the law is issuing punishment or fines to another that he should be absolutely fair in his judgment and no personal feelings should be considered. Punishment should not be issued unless the officer of the law has enough evidence to uphold his findings."

*This registrant answered Question 20: "to be fade to talk and what to do and understanding what is going on in the state."

Name: Mrs. Robert Joyner
Date: February 7, 1963

Interpretation: "Dont — (illegible) Punishment nor undue punish"

Section 265. No person who denies the existence of a Supreme Being shall hold any office in this state.

Name: James W. Brown
Date: January 20, 1962

Interpretation: "I believe that No Person who does Not believe in God needs any office in the United States because he may teach people or more people the same thing or try to."

[fol. 142Q]

Panola County #4

Part III

The persons named below are Negroes who have been deprived of the right to vote on the dates indicated. The numbers are those which identify persons by name and address in response to Interrogatories number 23 and 24. Their experiences in attempting to register are set out by number in Part I, above.

The applications for registration of these Negro citizens of Panola County were rejected because of either the interpretation test or the perfect form requirement, or both. Their forms were not retained.

54001	Nolan S. Cox	May, 1959
54023	Edward Thomas	Spring, 1959
54016	Robert J. Miles	May 9, 1959
54029	Cleveland J. Williams	May, 1959
54019	Jesse M. Rudd	May, 1959

[fol. 1421]

Quitman County #5

Part 1

A

The following Negro citizen was rejected because he did not interpret the Constitution to the satisfaction of the registrar. This event occurred at the Circuit Clerk's office in Quitman County.

60004 2-63

Rejected
Registrar

Went to office of the Registrar, filled out form and left; his name was published in paper; went back 2 weeks later and clerk told him he'd misinterpreted the Constitution.

[fol. 1422]

Quitman County #5

Part 1

B

The following Negro citizen was not permitted to remain registered to vote because of the good moral character test. This event occurred in Quitman County.

60005 6-5-62

Challenged
on good
moral
character
Registrar
Sheriff

Went to office of Registrar, but was told to return in 15 days; returned with son and daughter; clerk said he passed and gave him certificate; met by Sheriff outside courthouse; Sheriff took their names and addresses; received statement that registration incomplete, that Sheriff had challenged him. He was not allowed to vote at next election.

[fol. 1423]

Tallahatchie Co. #6

Part 1

A

The following Negro citizens of Tallahatchie County were not permitted to pay their poll taxes. In Tallahatchie County, the deputy sheriffs accepted poll tax payments from white persons, but Negroes were required to see the Sheriff. The events described below occurred at the Sheriff's office in Tallahatchie County.

- | | | |
|-------|--|--|
| 68029 | About
January,
1956.
Refused
Burnett-
Deputy | Went with Rev. Terry and others to pay poll tax after reading in the paper that everyone should pay poll tax; the Deputy said that it did not mean colored people. |
| 68023 | January,
1956
Refused
Trout-
Deputy | Went with Everlean Bearden to pay poll tax; they asked Deputy Trout if they could pay their poll tax, and he said no. |
| 68023 | January,
1957
Refused
Man-Deputy | After paying property tax, she asked to pay poll tax; she was refused. |
| 68034 | In December
of either
1957 or
1958
Refused
Man-Deputy | He paid his property tax, but the clerk would not allow him to pay his poll tax. |
| 68023 | About
January,
1958
Refused
Man-Deputy | After paying property tax, she asked to pay her poll tax; she was refused. |

[fol. 1424]

- 68014 December, 1958
Refused
Man-Deputy
When he asked to pay his poll tax, the male deputy refused; a female deputy was also present.
- 68023 About January, 1959
Refused
Man-Deputy
After paying property tax, she asked to pay her poll tax; she was refused.
- 68014 February, 1959
Refused
Lady
He was told by a lady clerk that he did not have to pay a poll tax, and was not permitted to do so.
- 68039 January, 1960
Refused
Woman-Deputy
After paying property tax, she asked to pay poll tax; was sent to the Registrar's office then back to the Sheriff's office, then refused because she had not paid poll tax in the past.
- 68034 Jan. 4, 1960
Refused
Turman-Deputy
When he asked Mr. Turman if he could pay his poll tax, Mr. Turman told him to see Lawyer Blount.
- 68004 Spring, 1960
Refused
Trout-Deputy
She and Mrs. Birdie Kegler went to Sheriff's office to pay poll tax; told by Deputy Trout that they would have to see a man who was not there.
- 68023 December, 1960 or January, 1961
Refused
Clerk
She asked if she could pay her poll tax and was told she could not.

[fol. 1425]

- 68014 January, 1961
Refused
Man-Deputy
He was told by the Deputy Sheriff to see the Sheriff.
- 68039 January, 1961
Refused
Woman-Deputy
After paying property tax, she asked to pay her poll tax; she was told to see the Sheriff.
- 68004 1-16-61
Refused
Man-Deputy
She paid property tax, then asked to pay poll tax; the deputy said "No" twice, turned to make change for her and said "No" again; she left.
- 68061 May, 1961
Deterred
Unknown
Wanted to pay poll tax and register but was afraid to because he had tried and had been refused several times in the past.
- 68040 December 15, 1961
Refused
Deputy-Turman
He was told he would have to see the Sheriff before he could pay his poll tax; he could not find the Sheriff.
- 68014 December 4, 1961
Refused
Lady
He asked the lady employee in the Sheriff's office about paying poll tax; she told him he would have to see Sheriff Dogan.
- 68040 January, 1962
Refused
Turman-Deputy
Deputy Turman referred him to the Sheriff when he attempted to pay his wife's poll tax.
- 26079 January, 1962
Refused
Turman-Dep. Sh.
Went to Sheriff's office to pay his property tax; asked clerk if he could pay his poll tax; clerk told him he would have to see the Sheriff. Sheriff wasn't in, and he left.

[fol. 1426]

- 68011 January 1962
Refused
Man-Deputy
He was told when he asked to pay poll tax that if he had not been paying them during the last two years, he would have to see the Sheriff; the Sheriff was not in Sumner then.
- 68026 January, 1962
Refused
Man-Deputy
She went to pay her poll tax with her husband; the male deputy told them that she would have to see Sheriff Dogan and that he was not in.
- 68039 January 15, 1962
Refused
Lady & Man-Deputies
She paid her property tax to one of two female deputies; she asked to pay poll tax; the lady told her she would have to see the Sheriff; the male deputy advised her not to try.
- 68003 January 17, 1962
Refused
Turman-Deputy & Woman
Paid property tax to lady deputy. Asked to pay poll tax; referred by her to Deputy Turman, who asked his precinct; Turman then said he would have to see the Sheriff; the Sheriff was out, so he left.
- 68028 January 23, 1962
Refused
Dogan-Sheriff
He wrote a letter to Sheriff Dogan enclosing two money orders for his 1961 and 1962 poll taxes and requesting receipts; the letter set forth his background; by a letter, he was refused because his precinct was not known by Sheriff Dogan.
- 68040 January 25, 1962
Refused
Turman-Deputy
He was told by Deputy Turman he would have to see the Sheriff about paying his poll tax; Mr. Blaylock and Miss Douglas, both white, were there; he could not find the Sheriff before the deadline.

68025 January 27, When she tried to pay poll tax,
1962 Sheriff Dogan told her she would
Refused have to come back another day be-
Dogan- cause he didn't know her, and he
Sheriff only took poll tax from persons he
knew.

[fol. 1427]

68026 2-1-62 After paying his property tax, he
Refused asked to pay his poll tax; he was told
Turman- he had to see the Sheriff who was not
Deputy around the Courthouse.

68023 12-7-62 After paying the property tax, she
Refused asked the lady clerk if she could pay
Lady-Clerk her poll tax; the lady said she would
have to see Deputy Turman.

68019 January, After paying his property tax, he
1963 asked if he could pay his poll tax.
Refused The lady clerk told him to see the
Lady Sheriff.

68039 January, Asked if she could pay poll tax; lady
1963 said she would have to see the
Refused Sheriff.
Lady

[fol. 1428]

B

The following Negro citizens of Tallahatchie County were not permitted to register to vote. The events described below occurred at the Circuit Clerk's office in Tallahatchie County.

68001 Spring, Went to registration office to apply;
1960 told by the Registrar that he could
Refused not apply as he, the Registrar, was
Harris-R new on the job and not familiar with
the books; told to come back some
other time.

- 68014 About February 1, 1961
Refused
Harris-R Harris told him that the registration books were in Jackson; Harris told him he would let him know when the books got back; he gave him his address and left. He did not hear anything before his next attempt.
- 68014 Last of February, 1961
Refused
Harris-R Shortly after his first attempt, he returned with Mrs. Kegler and both were told by Mr. Harris that the registration books were still in Jackson.
- 68023 February, 1961
Refused
Harris-R She went with Mr. Drake and they were told the registration books were still in Jackson.
- 68017 Early 1962
Harris-R
○ Refused Went with V. O. Johnson to registrar's office; Harris asked them their ages and proof of age. He had proof, but Johnson had to get his birth certificate; upon returning to the office, they were asked their precinct; When he said "Here in Charleston," he was told that was not right and that he had not been to school enough; They were not allowed to fill out a form.

[fol. 1429]

- 68014 1-8-62
Refused
Harris-R On this date he first got his Poll Tax Exemption Certificate; he then asked Harris if he could register; he was told the books had not been returned from Oxford, and was not allowed to apply; a white lady about fifty was present.

- 68021 Jan. 28 or 29, 1962
Refused
Harris-R
He went with Coy Hamilton to register; they were required to furnish proof of age which he had to go home and get; upon returning they were asked their precinct; Hamilton answered, and then Harris told them they would have to go back to school; they were not permitted to fill out a form.
- 68018 August 16, 1962
Refused
Harris-R
She was told by Mr. Harris that she could not register until he had run her name in the paper for two weeks.
- 68035 August, 1962
✓ Refused
Harris-R
When he attempted to register, Mr. Harris told him that he would have to come back after his name was run in the paper for two weeks; an unidentified white man in Harris's office witnessed this.

[fol. 1430]

C

The following Negro citizen of Tallahatchie County illustrates the deterrent effects of the publication law. This event occurred in Tallahatchie County.

- 68018 January, 1963
Delayed
Deferred
Accepted
Harris-R
Went to the office of the Registrar in August, 1962; Mr. Harris did not permit her to fill out a form at that time, and said he would publish her name in the paper for 2 weeks; in October, shortly after the Oxford riot, a figure in woman's clothes was hung in effigy in front of her home; this she feels was due, in part, to her attempt to register; she returned to the Registrar's office in January, 1963, where she was permitted to fill out a form and interpret section 1 of the Constitution; when she had completed the form, Harris permitted her to sign the registration book.

[fol. 1431]

Tate County #7

Part I

A

The following Negro citizen of Tate County was deterred from registering to vote. This event occurred in Tate County.

69001 1961
Deterred
Sheriff

Was told by Sheriff that no NAACP activity would be tolerated in County. Sheriff also told him that Negroes were never going to vote in County.

[fol. 1432]

Tunica #8

Part II

Application Forms

1 & 2. Number and Period of Application Forms

The first application form in Tunica County is dated April 9, 1955. The latest form is dated March 28, 1963. There is a total of 497 application forms for this period. The racial breakdown on these forms is as follows:

	Accepted	Rejected	Pending
White	420	12	27
Negro	28	4	2
Unknown	4	0	0

3. Analysis of Forms

a. Selection of Constitutional Sections

The following table reflects the incidence by race of the constitutional sections assigned:

Section	White	Negro	Unknown
1	27	0	0
12	2	1	0
15	1	0	0
23	7	8	0
30	1	0	0
106	4	0	0
113	20	0	0
115	1	0	0
116	389	25	4
252	1	0	0
—	6	0	0

A substantial majority of whites and Negroes received Section 116 to interpret. This section reads as follows:

The chief executive power of this state shall be vested in a governor, who shall hold his office for four years, and who shall be ineligible as his immediate successor in office.

[fol. 1433] b. Assistance to Applicants

(1) Question 19—*Constitutional Interpretation*

Sixty-seven whites and three Negroes wrote interpretations of Section 116 identical or substantially similar to the following:

The head of the state (chief executive) is the governor who shall hold office for four years and can't immediately succeed himself.

These answers were all between April 28, 1955, and January 29, 1957. Fourteen (14) whites and no Negroes wrote interpretation of Section 116 identical or substantially similar to the following:

The governor shall hold office for four years and cannot immediately succeed himself.

These answers were all written between January 30, 1958, and February 25, 1959.

(2) Question 20—*Duties and Obligations of Citizenship*

Sixty-seven white applicants and two Negroes wrote statements of duties and obligations identical or substantially similar to the following:

(A good citizen should) obey all laws and vote in all elections.

[fol. 1434]

(3) Summary

Table indicating total assistance as shown by standard answers:

	Total Accepted Forms	Question 19	Question 20
White	420	81	67
Negro	28	3	2
Unknown	4	0	0

c. Grading

Four Negroes and twelve white persons have been rejected for registration in Tunica County. All had very poor forms.

The first rejected applicant was Elvin Hemphill, a Negro, on January 6, 1959. All four rejected Negroes applied between 1959 and May, 1962. All rejected whites applied after November 1, 1962.

[fol. 1435]

Carroll County #9

Part I

A

The following incidents occurred in Carroll County. They are indicative of the difficulties faced by Negro citizens of Carroll County in their attempts to pay poll taxes and register to vote. These events occurred at the places noted.

8017	About 1956 Refused Mrs. Lilly MacDougal	Went to Sheriff's office in Vaiden about 1956 to pay poll tax, the clerk there asked him questions about who sent him in and would not let him pay poll tax.
------	--	--

8001 1959
Refused
Turbeville-R

He went to the Circuit Clerk's office to register. He was told by Circuit Clerk that he had no registration forms when he tried to register.

8001 6/62
Deterred
Coleman
Stewart

He was beaten June 1962 by two white men, James Coleman and Everett Stewart, who told him that Negroes were not going to register in Carroll County.

[fol. 1436]

Leflore #11

Part I

A

The following Negro citizens of Leflore County were not permitted to register to vote or were delayed in applying to register to vote. The events described below occurred at the Circuit Clerk's Office in Leflore County.

42062 3-59
Refused
Lamb-R

He and Mr. Jennings Henderson went up to register sometime in March 1959. The Clerk on duty told them she had a letter from the Governor of Mississippi asking her not to register any more people for a period of time. She read them part of this letter. Then they left.

42033 3-59
Refused
Lamb-R

He went up to register with Rev. Wade. Mrs. Lamb told him about a letter from Governor Coleman, and that he couldn't register now. She said she would send him a form when they came.

42018 1959
Refused
Lamb-R

Went to clerk's office. Told Mrs. Lamb he wanted to register to vote. She said she was very busy, that they were having court, and told him to come back. She took his name, age, and address.

30 minutes after he arrived home, two white men who live near him, T. C. Britt and a man named Adrian, came to see him, and asked him why he went to courthouse. He told them to register. Britt advised him not to go back to courthouse to register.

[fol. 1437]

42018 1959
Refused
Lamb-R

Second attempt. Went with brother. Mrs. Lamb told him she was still too busy to register him.

Several days later the same white men who approached him before, accompanied by his brother's employer, Tommy Gardner, stopped to see them at his brother's house. Britt said "If I were you, I wouldn't go down there and disturb anything." He has not been back to apply.

42017 1959
Refused
Lamb-R

Went up to register with brother Jodie. Mrs. Lamb told them she was quite busy and didn't have time to fool with it.

Two days later three white men, T. C. Britt, S. T. Gardner, his employer, and a man named Adrian, stopped by his house. Adrian told him he violated "them" by going up. Britt said they weren't going to have any associating together.

He hasn't been up to register since this incident.

42043 Approx.
1960-1961
Refused
Lamb-R

She tried to vote in an election. The election officials referred her to Mrs. Lamb, when they couldn't find her name listed. When she asked her, Mrs. Lamb said, "Today isn't registration day. Today is election day. You go and come back."

42046 Spring
1960
Refused

He told the clerk in the office he wanted to register to vote. She told him they weren't registering colored folks. He left and has never been back since.

[fol. 1438]

42067 3-4-63
Delayed
Lamb-R

A large group of Negroes was already in line when she and four others come to register on March 4, 1963. Mrs. Lamb was accepting two applicants at a time. She was assigned section 135 to interpret.

42031 3-4-63
Delayed
Registrar

She attempted to register again on March 4, 1963. There was a long line of persons waiting to register. Only two persons were allowed in at a time. This time she was assigned section 173. This application was rejected.

42071 3-7-63
Delayed
Accepted
Lamb-R

Went up to apply to register afternoon of March 6, 1963. Stood in line with about 20 other Negroes till 4:30, when Deputy Clerk, Mrs. Chandler said no more applications could be handled that day. Returned following day. Stood in line again. Got form and had to interpret Section 173. Asked Mrs. Lamb if question pertaining to prior address meant prior Greenwood or non-Greenwood address. Mrs. Lamb told him that she could not assist him. She told him to return in 30 days to see if he passed.

42013 3-7-63
Delayed
Accepted
Lamb-R

Went up to apply to register with her husband afternoon of March 6, 1963. Stood in line with about 20 other Negroes till 4:30 P. M. when Deputy Clerk, Mrs. Chandler, said no more applications would be handled that day. Returned following day. Stood in line again. Received form and section 27 to interpret.

[fol. 1439]

42003 5-21-63
Refused
Deputy
Registrar

Deputy Registrar told Emma Belle and five others that they would have to wait till Mrs. Lamb came in, to get waited on. She then let a white person fill out the form.

[fol. 1440]

Part I

B

The following Negro citizens of Leflore County were not permitted to register to vote for the reasons noted below. The events described below occurred at the Circuit Clerk's office in Leflore County.

- 42062 1-11-56
Rejected He applied to register the first time on January 11, 1956. He said he could not swear to the truth of the application because of religious convictions. The clerk told him that there was no need to fill the form out if he could not swear to it, and took the application form from him. The form is marked "Unable to swear because of religious convictions" and Q. 19 & Q. 20 are blank. In Mississippi you may swear or affirm when signing the oath.
- 42016 6-29-60
Rejected
Lamb-R Went to clerk's office. Lady who was there said he'd have to see Mrs. Lamb. Mrs. Lamb came later, gave him form and Section One of the Constitution. She checked it when he finished. She said his answer on the Constitution question was not correct, that he had given it good thought but she couldn't pass him because he hadn't answered it according to law.
- 42021 1962
Rejected
Man. Went up to register with two other Negroes, Mrs. Ruby Harris and Mrs. Addie Mae McGill. She was given Section 20 to interpret. When she was finished a white man came in, looked at her form, said it was pretty good, but that the last sentence was not correct and that she had therefore failed.

[fol. 1441]

Leflore County #11

Part II

Application Forms

1. Number of Application Forms

The first application is dated March 28, 1955. Forms have been retained since that time and are numbered consecutively to March 15, 1963, the date of the last application photographed under order of this court. There are 2,086 forms during this period which are numbered consecutively from 1-2086. The breakdown follows.

	Accepted	Rejected
White	1507	284
Negro	17	188

2. Period Which Forms Cover

a. March 28, 1955 - September 19, 1960

This period covers the first 1227 forms, from the date of the first form to the date of first photographing of the registration records of Leflore County by the Department of Justice. The breakdown of forms is

	Accepted	Rejected
White	1193	14
Negro	11	9

[fol. 1442]

b. March 28, 1960 - August 8, 1961

On August 8, 1961 the Leflore County Election Commissioners purged 178 names from the registration books. The names which were stricken included 173 white persons and 5 Negroes. The stated basis for the purge was that none of the 178 persons had complied with Section 244 of the Mississippi Constitution. All had completed application

forms and were registered by Mrs. Lamb. The total number of forms for this period are

	Before Purge	After Purge
White Accepted	1338	1165
White Rejected	22	195
Negro Accepted	13	8
Negro Rejected	14	19

c. March 28, 1960 - March 15, 1963

March 15 was the last day of the record photographing of the Leflore County records. Cumulative totals:

	Accepted	Rejected
White	1597	284
Negro	17	188

3. Analysis of Forms

a. Selection of sections of the Constitution

1. March 28, 1955 - September 19, 1960

From March 28, 1955 to September 19, 1960, of 1207 white persons who completed application forms during this [fol. 1443] period, 405, or 34 per cent received one of ten sections with three lines or less. These are selected sections which were more frequently used than other sections with three lines or less. None of these sections were given to the fourteen Negroes who completed an application form during this period. Six other Negroes who applied during this period did not complete the form, and no section number is listed on their forms.

Frequently used Sections of 3 lines or less
March 28, 1955 to September 19, 1960

Section	White	Negro	No. of lines
28	41	0	1½
30	112	0	1
67	31	0	1½
92	17	0	1½
93	19	0	1½
101	32	0	2½
123	33	0	1
148	75	0	2
153	23	0	3
207	22	0	1½

The fourteen Negroes who completed the application forms were given ten different sections. These sections were given to six per cent of the white applicants. And of these applicants, the greater number (46 out of 67) were given the Section 1, which two Negroes had received.

[fol. 1444] b. March 28, 1960 - August 8, 1961

On August 8, 1961 the Leflore County Election Commissioners purged 178 names from the registration books. The names which were stricken included 173 white persons and 5 Negroes. The stated basis for the purge was that none of the 178 persons had complied with Section 244 of the Mississippi Constitution. All had completed application forms and were registered by Mrs. Lamb. The total number of forms for this period are

	Before Purge	After Purge
White Accepted	1338	1165
White Rejected	22	195
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c. March 28, 1960 - March 15, 1963

March 15 was the last day of the record photographing of the Leflore County records. Cumulative totals:

	Accepted	Rejected
White	1597	284
Negro	17	188

3. Analysis of Forms

a. Selection of sections of the Constitution

1. March 28, 1955 - September 19, 1960

From March 28, 1955 to September, 19, 1960, of 1207 white persons who completed application forms during this [fol. 1445] Ten Sections Given to 14 Negro Applicants—

Comparison With Whites Receiving Same Section March 28, 1955 to September 19, 1960.

Ten Sections Given to 14 Negro Applicants—Comparison With Whites Receiving Same Section March 28, 1955 to September 19, 1960

Section	No. of Lines	Negro Applicants	White Applicants
133	9	2	0
168	6½	2	1
125	6	1	0
221	6	1	0
249	6	1	3
102	5½	2	3
173	4½	1	5
1	4	2	46
166	3½	1	5
129	3½	1	4

Ten Sections Frequently Given to White Persons—1959

In one year, 1959, the ten sections of 3 lines or less previously referred to were given to 224 of the 458 white persons who applied to register. Section 30 was given to 63 of them and Section 148 to 36.

Section	No. of lines	Times Given
30	1	63
148	2	36
67	1½	23
28	1½	19
123	1	17
101	2½	13
93	1½	11
92	1½	10
207	1½	10
153	3	10

[fol. 1446] From March 28, 1955 to September 19, 1960, the date of the first photographing Section 30 was given to 112 white applicants. Since that day, it has been used only once. It has never been given to a Negro. Section 148, which had been given to 75 white applicants prior to the photographing in September 1960 has been used only 4 times since. It has never been given to a Negro.

[fol. 1447]

b. Assistance to Accepted White Applicants

Assistance to white applicants takes the form of identical or substantially identical answers to Question 19 (interpretation) and Question 20 (duties and obligations). The period during which standard answers appear is from March 28, 1955, the date of the first form, to August 8, 1961, the date the Election Commissioners struck 178 names from the registration books.

(1) Question 20—Duties and Obligations

A. The following are answers by four white applicants. The first two were written by a husband and wife who applied on the same day; the last two were submitted one month later on two consecutive days.

No.	Date of Application	Name
913	6-5-59	James H. Carpenter
914	6-5-59	Mrs. James H. Carpenter
913:	"A citizen should always uphold the constitution and abide up all laws both state and Federal."	
914:	"A citizen should always uphold the constitution and abide by all laws both state & Federal."	
991	7-2-59	Mrs. Charles Wier
1004	7-3-59	Mrs. Charlotte Duggins Daves
991:	"A citizen should always uphold the constitution and abide by all law both State & Federal."	
1004:	"A citizen should always uphold the constitution and abide by the laws both State & Federal."	

[fol. 1448]

B. The following answers were submitted on the same day by a husband and wife on consecutively numbered forms.

No.	Date of Application	Name
No.	Date of Application	Name
261	8-3-56	Mrs. Hazel C. Henderson
262	8-3-56	Walter R. Henderson
261:	"A person should be able to vote due to age and of citizenship of their town and country. By all means they should be a christian."	
262:	"A person should be able to vote and and of age and a citizen of town and country. By all means should Be a crustan."	

C. Each of the following pairs of answers was submitted on successively numbered forms on the same day by two applicants with the same last name. In every case except "(d)" they had the same address.

- | No. | Date of Application | Name |
|-------------|---|---------------------------------------|
| (a) 327 | 1-31-57 | Herbert Carr |
| 328 | 1-31-57 | Muriel Carr (Mrs. Herbert) |
| 327: | "To abide by all rules, regulations, laws, provided by the constitution." | |
| 328: | "To abide by all laws, & regulations provided by the Constitution." | |
| (b) 393 | 10-21-57 | Charles R. Blackburn |
| 392 | 10-21-57 | Jeanne G. Blackburn (Mrs. Charles R.) |
| 393: | "You should take an active part in federal, state, county and local government affairs. Exercise your rights to vote and do so to improve your government." | |
| 392: | "A citizen should take an active part in his city, country, state, and federal government." | |
| [fol. 1449] | | |
| (c) 485 | 2-22-58 | Mrs. J. E. Oswalt (Mrs. Martha L.) |
| 484 | 2-22-58 | J. E. Oswalt, Jr. |
| 485: | "to up hold the laws of the land." | |
| 484: | "Up-hold all laws." | |
| (d) 526 | 6-21-58 | William G. Malone |
| 527 | 6-21-58 | Eula Irene Malone (Mrs. Glen) |
| 526: | "To be Honest. Pay Poll Tax. Do Not Lie. Be a good Citizen. Obey the Law." | |
| 527: | "Pay poll tax. Obey the law. Pay your debts. Be a good citizen Be honest." | |
| (e) 798 | 3-21-59 | Annette Jackson |
| 799 | 3-21-59 | Jeannette Jackson |
| 798: | "I should abide by the laws of my County, & State. I should Participate in Community affairs such as Church activities, Political elections & ect." | |
| 799: | "As a good Citizen who abide by all laws I shall participates in Community/ affairs such as Church Activities and politiel elections." | |
| (f) 835 | 4-4-59 | Dora L. Morris (Mrs. Harvey) |
| 836 | 4-4-59 | Harvey Morris, Jr. |
| 835: | "I fill that it is my duty to obey all laws & to vote in all elections." | |
| 836: | "I feel that it is My duty to obey all lows and to pay all taxes." | |

[fol. 1450]

D. The following answers were submitted by two white applicants on the same day on successively numbered forms.

No.	Date of Application	Name
1361	3-25-61	Jerry L. Moss
1362	3-25-61	Raymond L. Everett

1361: "As a citizen of the United States a person should uphold the law and take part in all forms of government activities."

1362: "As a citizen of the United States a person should uphold the law and take part in all forms of government activities."

E. The following answers were submitted by two white applicants on consecutive days.

No.	Date of Application	Name
31	4-21-55	Helen F. Cain
37	4-22-55	Denson A. Moss

31: "I believe that it is a privilege for me to register and be able to vote on person or persons whom I think are able to fill our office. I think every citizen should obey all the laws."

37: "I think that it is a privilege for me to register and be able to vote for the person whom I think is able to fill an office. I think every citizen should obey the law."

F. The following answers were submitted by two white applicants on consecutive days.

No.	Date of Application	Name
648	1-27-59	Virgil K. Purnell
656	1-28-59	Mary L. Rozier (Mrs. Robert E.)

648: "Citizens should be law abiding and helpful to the Community in which the live."

656: "Citizens should obey all laws and helpful to the Community in which he lives."

[fol. 1451]

G. The following answers were submitted by two white applicants one week apart.

No.	Date of Application	Name
952	6-26-59	Shirley Lynn Gass
1033	7-3-59	Charles Lee Turner

952: "A good citizen is one who pays his or her taxes and votes in all elections and one who respects the laws of the county and state."

1033: "A good citizen is one who pays his or her taxes and votes in an election and one who respects the laws of the county and state."

H. The following are answers by two white applicants.

No.	Date of Application	Name
893	5-30-59	John Hugh Stanton
926	6-12-59	Timothy Wilburn Lott, Jr.

893: "It is the duties of each citizen to know, understand, support the laws of a constitutional government & defend it from outside forces."

926: "It is the duties of each citizen to know, understand, & support the laws of a constitutional government & defend it from outside forces."

I. The following are answers by two white applicants.

No.	Date of Application	Name
894	5-30-59	William E. Boyle
977	6-29-59	Margaret Childress Goss

894: "It is the duty and obligation of each citizen to vote in all elections."

977: "It is the duty and obligation of each citizen to vote in all elections."

[fol. 1452]

J. The following are answers by two white applicants.

No.	Date of Application	Name
906	6-2-59	Mrs. John Nelms
1020	7-3-59	Eugene Morris

906: "A good citizen should allways abide by the laws of the state."

1020: "A good citizen should allways abide by the law of the state."

K. The following are answers by two white applicants.

No.	Date of Application	Name
931	6-16-59	Mary Elizabeth Terry (Mrs. Paul S.)
949	6-25-59	Evelyn L. Scott

931: "It is my understanding that as duties and obligations of citizenship under a constitutional form of government that every citizen should exercise their right to vote and support the meaning of the constitution."

949: "It is my understanding that as duties and obligations of citizenship under a constitutional form of government that every citizen should exercise their right to vote and support the meaning of the constitution."

L. The following answers, by two white applicants, were submitted three days apart.

No.	Date of Application	Name
948	6-24-59	Joseph Johnson
956	6-27-59	Carroll Kyle

948: "I believe a good citizen should obey the laws and follow all rules that the government requires."

956: "I believe a good citizen should obey the laws and follow all rules that the government requires."

[fol. 1453]

M. The following answers were submitted by three white applicants within a one-month period.

No.	Date of Application	Name
919	6-8-59	Maurice Milton Kelly
944	6-23-59	Ann Elizabeth Dillard
1001	7-2-59	Jeanine Bell Stewart (Mrs. T. F.)

919: "Honest, Loyal, & obedience to her country, and pay his taxes. Should use his best judgement in voting for a person running for public office."

944: "Honest, loyal, and obedience to his country and payment of taxes. Own judgement in voting for a person running for public office."

1001: "Honesty, Loyalty & obedience to their country, pay your taxes, Should be his best judgement in voting for the person running for office."

N. The following answers were submitted by two white applicants two days apart:

No.	Date of Application	Name
834	4-4-59	Arthur B. Potwin
838	4-6-59	Walter K. James, Jr.

834: "1) to be willing to defend one country. 2) to vote in all elections. 3) to be an upright honest and "conforming" citizen. 4) to abide by the laws and written codes of my country. 5) to never betray my country by treason or any facsimile thereof."

838: "1. To be willing to defend one's country. 2. To vote in all elections. 3. To be an honest, upright, and "conforming" citizen. 4. To abide by the laws and written codes of my country. 5. To never betray my country."

[fol. 1454]

O. The following answers were written by two white applicants on the same day.

No.	Date of Application	Name
130	7-8-55	Margaret T. Steele (Mrs. Ralph)
136	7-8-55	Richard L. Noaks

130: "Obey all laws, support the Constitution Vote, pay taxes."
 136: "Obey all laws support the constitution, vote, pay taxes."

P. The following are answers by three white applicants.

No.	Date of Application	Name
286	10-13-56	John Frederick Peden
401	11-8-57	Sarah Jane H. Skinner (Mrs. James G.)
409	12-18-57	George W. Bankston

286: "To obey all laws set forth in the constitution."
 401: "To obey all laws set forth in the Constitution."
 409: "To obey all laws set forth in the Constitution."

Q. The following are answers by two white applicants.

No.	Date of Application	Name
483	2-17-58	Roy Preson Kelly
594	11-10-58	Betty J. Ainsworth

483: "I think all citizens should obey all laws and pay taxes and be as good a citizen as he can."
 594: "I think all citizen should obey all laws and pay taxes and be as good a citizen as he can."

[fol. 1455]

R. The following are answers by two white applicants.
 Only one other application was submitted between the dates of these two:

No.	Date of Application	Name
508	4-8-58	Susie E. L. Sudduth (Mrs. B. K.)
510	5-10-58	Nelson Young Malone

508: "I believe as a good citizen that I should obey the laws of my country, and pay my taxes and vote in elections for the people whom I think best qualified."
 510: "I believe as a good citizen that I should obey the laws of my country and pay my taxes and vote in the elections for the people whom I think best qualified."

S. The following are answers by two white applicants. Only five applications were submitted between them.

No.	Date of Application	Name
505	4-5-58	T. Ounida B. Kersh (Mrs. Sam)
511	5-19-58	Pearlie P. Malone (Mrs. Nelson Y.)

505: "As a citizen it is my duty to uphold the laws of the states and take a part in its government by paying taxes voting, and etc."

511: "As a citizen it is my duty to uphold the laws of the state and take a part in its government by paying taxes & voting and etc."

T. The following are answers by two white applicants.

No.	Date of Application	Name
506	4-5-58	John William Hurst
692	1-31-59	William C. Tucker

506: "To obey the laws of your country and the constitution. Pay your taxes & vote in our elections."

692: "to obey the laws of your Country and the Constitution. pay your taxes vote in our Election."

[fol. 1456]

U. The following are answers by two white applicants.

No.	Date of Application	Name
668	1-29-59	Jack Merkin
884	5-28-59	Olean D. Holman (Mrs. Willard D.)

668: "A Good citizen should vote in all elections, pay his just taxes and obey the law."

884: "A good Citezen should vote in all election. Pay his just taxes and Obey the law."

V. The following are answers by two white applicants.

No.	Date of Application	Name
688	1-30-59	Mrs. Holton S. King
786	3-11-59	Mrs. George Farrish (Carmen T.)

688: "Good citizens should obey the law and pay their taxes."

786: "Good Citizens should obey the law and and pay there taxes."

W. The following are answers by two white applicants.

No.	Date of Application	Name
736	2-3-59	Pauline P. M. Strain (Mrs. Derwood)
747	2-14-59	Helen A. Poole (Mrs. Ralph M.)

736: "The duties & obligations of a "good" citizen are to obey the laws of the community, county, state, & nation & to respect the constitutions of the state & nation."

747: "The duties & obligations of a good Citizen are to obey the laws of the Community, County, state, & Nation & to respect the Constitution of the state & Nation."

[fol. 1475]

X. The following are answers by two white applicants.

No.	Date of Application	Name
854	4-18-59	Edward B. Landrum
875	5-18-59	Claudy Z. Whatley

854: "pay taxes
obey the laws
uphold the constitution"

875: "pay your taxes
obey the laws
and up hold the Constitution."

Y. The following are answers by three white applicants.

No.	Date of Application	Name
855	4-22-59	Kenneth A. Downs
867	5-9-59	Jo Ann P. Simms (Mrs. John H.)
879	5-26-59	Christine P. Upchurch (Mrs. S. T.)

855: "A Citizen shewld fight for his County if necessary pay his debts and taxes and vote in every election."

867: "A citizen should fight for his Country, if necessary, pay his debts and taxes and vote in every election."

879: "A Citizen should fight for his Country if Necessary, pay debets and taxes and Vote in every election."

Z. The following are answers by three white applicants.

No.	Date of Application	Name
888	5-29-59	Jo Lynn C. Hardin
911	6-3-59	Henry Marcus Mounce
950	6-25-59	Dorothy Jane Vail (Mrs. Wm. R.)

888: "Vote in all elections, obey all laws, and be loyal to the U.S.A."

911: "Vote is all elections, obey all laws, and be loyal to the U.S.A."

950: "Vote in all elections, obey all laws, and be loyal to the United States of America."

[fol. 1458]

AA. Between January 27, 1960 and August 9, 1960, 108 white persons applied to register to vote in Leflore County. At least 18 of these gave answers to question 20 characterized by eight elements; some of which appeared in every answer. These are set out in the answer of one applicant as follows:

No.	Date of Application	Name
1202	6-3-60	John R. Bunch, HI

"(1) Be Patriotic (2) Obey laws (3) Willingly serve public capacities (4) Respect Government authority (5) Pay taxes (6) Register & Vote (7) Be honest (8) Work & make a living"

Other typical answers in this group were:

No.	Date of Application	Name
1109	1-27-60	Mrs. Norman Lee Easterling
1152	2-1-59	John L. Hamrick
1174	3-2-60	Priscilla O. McCain
1215	7-27-60	Mona L. Gatlin (Mrs. Carlton)
1219	8-9-60	Mrs. Ruby L. Smith (Mrs. H. R.)
1109:	"A person must be patriotic, willing to serve in all public capacities at any time, must observe all laws, must have proper respect of Government Authority, Pay all taxes when due. Should register and vote in all elections, Be honest and vote for the person you think is best suited for the office."	
1152:	"Be Patriotic, Observe the laws, Willing to serve the Jury, Army Civics, Matters and Jury service, Proper respect of Governmental Authority, Register and vote in all election Be honest"	
1174:	"My duties as a citizen of this state are to be patriotic, observe the law, willing to serve in all public capacities at any time, proper respect of Governmental authority; pay all taxes, register and vote in all elections, be honest, work and make a living."	
[fol. 1459]		
1215:	"To serve in public capacities when able; Register & vote in all election; observe the laws; Be patriotic; proper respect of Governmental Authority Be honest; work & make a living. Pay all taxes."	
1219:	"In order to be a good citizen, I think one should be patriotic, observe all laws, and have proper respect for government authority."	

BB. Four white applicants concluded their statement of duties and obligations with the phrase "betterment of the community (or country)." The first two filled out successively numbered applications.

No.	Date of Application	Name
289	10-18-56	Roy S. Sudduth
290	10-19-56	Sarah Ellen S. Leard
366	4-22-57	Evely Draper Pegues
791	3-16-59	Mrs. Verra M. Fleming

CC. Four white applicants filled out almost successively numbered forms, and stated as duties and obligations the idea of voting for a qualified candidate for office.

No.	Date of Application	Name
1310	1-31-61	Yvette Randall
1311	1-31-61	Charles W. Randall
1312	1-31-61	John T. Bennett
1314	1-31-61	Janie A. Felts (Mrs.)
1315	1-31-61	Roe Barbara Garrett (Mrs.)

DD. Four white applicants concluded their statement of duties and obligations essentially with the phrase "set a good example for others (people, or Mississippians) to follow."

No.	Date of Application	Name
251	6-14-56	Gladys N. Morgan
255	6-29-56	Charlotte G. Steele
320	1-29-57	Dorothy Bell Murff (Mrs.)
324	1-31-57	Joseph A. George, Jr.

[fol. 1460]

(2) Questions 19 and 20: Application Form
of Mary Kathryn Huston

Mary K. Huston, a white teacher from Leflore County, completed the first application form in Leflore County on March 28, 1955. Her interpretation of Section 1 was:

Q. 19: "The government of the state is divided into three separate sections or branches executive, judicial and legislative."

Her statement of duties and obligations of citizenship was:

Q. 20: "It is the privilege of every citizen and also his duty to vote in the city, county, state and national elections, He should do this so that he may have a voice in the government. He should also support and uphold the laws of his state and national."

The elements which appear in Mrs. Huston's form for both Question 19 and Question 20, and separately for Questions 19 and 20, appear in 41 subsequent forms. They are*:

* Where applicant did not receive Section 1, only the answer to Question 20 is set out.

No., Name,
Date of
Application

5
Helen Boykins
4-1-55

Q.19: "The govt. is divided into 3 branches; Legislative, judicial and executive."

Q.20: "A privilege of every good citizen to vote in order to have a voice in the government."

15
Walter C. Moses
4-11-55

Q.19: "the government of Mississippi is divided into three separate branches, each one independent of the other. They are executive, Judicial, and legislative branches."

Q.20: "I think that every citizen should vote in all elections, whether large or small, It is his duty as a citizen to vote because it gives him a voice in the government."

[fol. 1461]

No., Name,
Date of
Application

19
Mrs. Jack Rose
4-13-55

Q.19: "The power of the Government of the state is divided into three separate sections, these are executive, judicial and legislative."

Q.20: "It is the privilege of every citizen of the United States to vote. It is his duty to vote in city, county, state, and National elections. He should do this so he may have a voice in the government. He should support and uphold the laws of his state, county, and nation."

21

Preston M. Reeves
4-14-55

Q.19: "The state of Mississippi government is divided into three parts, legislative, judicial, and executive."

Q.20: "Every citizen has the right and privilege to vote. It is also his duty to help select the officials of his gov't of city, county state and country."

25

Lyman A. Lackey, Jr.
4-16-55

Q.19: "This section means that the government of the state of Mississippi shall be divided into three parts or branches; the executive, the legislative, and the judicial."

Q.20: "It is the privilege and duty of every citizen to vote in his state, county, local and national elections. This gives him the right to have a voice in the government, and the way it should be run. It also means that he should support and uphold all the laws of his nation and state."

[fol. 1462]

No., Name,
Date of
Application

28
Iva N. Taylor
4-19-55

Q.19: "The government of the state is divided into three separate governing bodies, each having specified duties, these are the executive, judicial and legislative."

Q.20: "It is the duty of every law abiding citizen to vote in the city, county, state and national elections. It is the duty of every citizen to uphold the laws of his country. Along with a duty it is a privilege to have a voice in the government."

39
Robert E. Gammill
4-25-55

Q.19: "Legislative, Judicial, and executive are the three separate sections of the Government of the State."

Q.20: "A good citizen should vote each election, because it is his privilege. City, County, State, Nation. He should support the laws of his country."

42
James E. Myers
5-2-55

Q.19: "The government of the state is divided into three sections, the legislature to one, judicial and executive."

Q.20: "A good citizen always takes part in elections by voting at local and National elections and should support & uphold all the laws in the State and Nation."

44

Jessie B. Lowry
5-2-55

Q.20: "Its the duty of citizen to vote in all elections local and national elections. Be a law-bidding citizen."

51

Catherine E. Moon
5-5-55

Q.19: "The government of the state is divided into three separate sections or branches, executives, judicial, and legislative."

Q.20: "He or she should have the privilege of voting in the city, country, state, and national elections so that they would be able to voice their opinion and support and up hold the laws of the nation."

[fol. 1463]

No., Name,
Date of
Application

59

Sam P. Cooper, Jr.
5-27-55

Q.19: "The government of Mississippi is seperately divided into three parts. these are legislative, judicial and executive."

Q.20: "Every citizen of the state of Mississippi should exercise his write to vote. He should support the government. He should vote in all elections, so that he will have an interest and voice in the way the different governments, (city, County & state) are run."

838

68

Mrs. Alma M. Wood
6-2-55

Q.19: "The government is divided in three parts legislative, judicial, executive."

Q.20: "It is the duty, and privilege of every citizen to vote in the city, county, and state, He should also support and uphold the laws of his state, and Nation."

76

Mrs. Betty Jean Moss
6-9-55.

Q.20: "It is every citizens duty to vote in city, county, state and National elections. He should do this so he would have a voice in his government, He should uphold the laws of his state and nation."

85

Helen F. Gaston
6-21-55

Q.20: "It is a privilege of voting by every citizen and also his duty. So he may have a voice in our government."

88

Mrs. Milton A. Randall
6-22-55

Q.20: "I believe it is the duty & a privalege of every American Citizen to vote at elections so that he might have voice in the government."

101

Charles W. Weed
7-1-55

Q.20: "Each citizen should vote because it is privilege. He should do this so he can have a voice in the government and also held support and uphold the laws of his state and nation."

[fol. 1464]

No., Name,
Date of
Application

102

Hattie L. Potter
7-2-55

Q.19: "The government of the state is divided into three separate sections or branches executive, judicial and legislative."

Q.20: "It is the privilege of every citizen and also his duty to vote in the city, county, and state and national elections. He should do this so that he may have a voice in the government. He should uphold the laws of his state and nation."

106

Maxine S. Nokes
7-5-55

Q.20: "Every one should take his or her part in all elections. They should all want to take part in upholding our state and National laws and government. It is not only a privilege but a duty."

108

Mrs. Nettie May Ingram
7-6-55

Q.20: "to obey and carry out all laws of county, state, and United State, all so uphold them. It is their privilege to vote in city, county, state, and National elections."

123

Bettie E. Strickland
(Mrs.)
7-8-55

Q.20: "It is the duty and privilege of every citizen to vote in all county state & national elections so they may have a voice in the government."

128

Mrs. Vivian Burchfield
7-8-55

Q.20: "It is the duty of every citizen to vote in all city, county, state, and national elections. So that he may have a voice in the government."

840

133
Virginia F. Sligh
7-8-55

Q.20: "It is the duty and privilege of every citizen to vote in all city, county, state, and international elections. So that he may have a voice in the government."

144
Mary E. S. Norris
8-11-55

Q.20: "Every citizen should exercise his privilege and duty to vote in the state, city, county & National elections so that he may have a voice in the government. He should support and uphold the laws of his state & Nation."

[fol. 1465]

No., Name,
Date of
Application

148
Mrs. Annie L. Renfroe
10-13-55

Q.20: "It is the privilege of every citizen to vote in the city, county state and National election. He may do this so he may have a voice in the government, He should also support and uphold the laws of his state and nation."

150
Aubrey D. Tucker
10-31-55

Q.20: "It is the duty of every citizen to vote in the city, county, & state. Every citizen should have a voice in the government of the state and should vote to support the laws of his country."

152
Mrs. Leone S. Brewer
11-1-55

Q.20: "It is the privilege of every citizen and also his duty to vote in the City, County, State and National elections. He should do this so that he may have a voice in the government. He should also support and uphold the laws of his state and nation."

153

Winifred C. Whitfield
11-11-55

Q.20: "It is the duty and privilege of every citizen to Vote in every election. In doing so they have a voice in the government. One should support and uphold the laws of his state and nation."

165

Demetrios N. Magoulos
12-29-55

Q.20: "It is the duty and privilege of every citizen to vote the city, county, State, and National elections. Do this should a Voice in the government. Should also support and uphold the laws of this State and Great Nation."

166

Clifford L. Algood
12-29-55

Q.20: "It is the privilege of every citizen and also his duty to vote in city, county, state, and National election. He should do this so that he may have a voice in the government. He should also support and uphold the laws of his state and nation."

167

Leonard L. Pittman
12-29-55

Q.20: "It is the Privilege and duty of every citizen to vote in all elections. He should do this so that he may have a voice in the government. He should support and uphold the laws of his state and nation."

[fol. 1466]

No., Name,
Date of
Application

169

Minnie Ethel N. Ezell
(Mrs.)
12-30-55

Q.20: "It is the privilege of every Citizen and the duty to vote in all elections in the County, State, and Nation, because in voting he has a voice in government. It is also his duty to uphold all laws of his state and Nation."

184

Josephine P. Ragland
(Mrs.)
1-12-56

Q.20: "To uphold the laws of the land and to exercise my right as a citizen by voting, thereby having a voice in the government of my country."

195

Mrs. Thelma L. Garrard
1-20-56

Q.20: "It is his duty and privilege to vote in the city, county, and state National elections. He should do this so that he may have a voice in the government. He should also support and uphold the laws of his state and nation."

204

William P. Purcell
1-24-56

Q.20: "Every Citizen in the State & Nations should vote, so they may be able to have a Voice in his government, In order to uphold the laws of the State & Nation."

216

Mary Catherine Bostick
(Mrs.)
1-31-56

Q.20: "By obeying the laws of my country it is my privilege and duty to vote in the city, county and state and national elections. We must do this in order that we have a voice in our government. I should also uphold the laws in our state and nations."

304

Mozelle Parker Webb
1-4-57

Q.20: "Support and uphold laws of state & nation. Use your privilege to vote in order to have a voice in the government."

309

Dorothy W. Kelly
1-9-57

Q.20: "It is the privilege and duty of every citizen to vote in all elections. He should do this so he may have a voice in the government. He should support and uphold the laws of his state and nation."

[fol. 1467]

No., Name
Date of
Application

333

Henry R. Heard
2-1-57

Q.20: "It is the duty & priviledge of every citizen to vote the city, county, state, national, elections. Do this should a voice in the gov-ernment. Should also support & uphold the laws of this state and great nation."

347

Mrs. Lottie G. Leflore
3-2-57

Q.20: "It is the privilage and duty of every sitison to vote in all elections. It is all so his duty to uphold all laws of the state and nation."

354

Mrs. Jean B. Johnson
3-7-57

Q.20: "It is a citizens duty and privildge to vote. He should vote in all elections, This gives him a voice in the government. He, should uphold and support the laws of his state and nation."

[fol. 1468] (3)Question 19 (Interpretation)

The following is a selected group of standard interpreta-tions by accepted white applicants.

Section 30

The following white applicants each gave as the interpretation of Section 30: "A person cannot be put in prison for a debt." The first three applicants also included in their answer to question 20 the phrase "obey the law"; and concluded with "vote in . . . election[s]?":

No.	Date of Application	Name
408	12-13-57	Susie M. Keith
468	1-31-58	Mae Bell P. Joseph
858	4-29-59	Mrs. Anne R. Crowder
855	4-22-59	Kenneth A. Downs
864	5-9-59	Richard W. Peeples
948	6-24-59	Joseph Johnson
988	7-1-59	Grace Carolyn Mitchell Watkin

Except for the omission of the word "a" in two cases, the following white applicants each gave as the interpretation of Section 30: "(A) person cannot be placed in prison for (a) debt.":

No.	Date of Application	Name
587	9-29-58	King C. Long
786	2-27-59	Andria A. Knight Tackett
982	7-27-59	Shirley Marie Daniels
1041	8-25-59	Evelyn Sikes Arline

The following white applicants gave as the interpretation of Section 30: "One cannot be put in prison for debt." All three wrote "obey the law" or "abide by the law" in answering question 20:

No.	Date of Application	Name
786	3-11-59	Mrs. George Farrish
842	4-11-59	Mrs. Lois R. Farrish
884	5-28-59	Mrs. Olean D. Holman

[fol. 1469] Except for the omission of the word "a" in four of the following applications, each of the following ten white applicants gave as the interpretation of Section 30: "A person cannot be put in jail for a debt." Seven of these included the elements "pay tax" and vote in their answers to question 20. All included "vote".

No.	Date of Application	Name
510	5-10-58	Nelson Young Malone
718	1-31-59	Richard B. Findley
972	6-29-59	Mrs. James G. Wier
977	6-29-59	Margaret Childress Goes
982	6-30-59	Joe Alton McClure
1028	7-3-59	John Wayne Counts
1048	10-7-59	Howard C. Ju
1140	1-29-60	Buck D. Barry
1154	2-1-60	Homer A. Turner
1213	7-8-60	Mon W. Set

The following white applicants filled out successive forms. Each one was given Section 30 to interpret. Except for the omission of the word "a" as noted, they both wrote: "No one can be put in jail for (a) debt."

No.	Date of Application	Name
826	4-1-59	Mrs. Maudie L. W. Johnson
827	4-1-59	Paul R. Herron

The following white applicants gave similar interpretations of Section 30, ending with the phrase "for owing a debt." Both applicants also had short answers to question 20 which ended with the phrase "vote in all elections." These applications were accepted. Both have similar duties and obligations.

No.	Date of Application	Name
921	6-9-59	Johany Sanders
938	6-22-59	Thomas Lee Norris

[fol. 1470] Section 148.

The following white applicants gave identical interpretations of Section 148. Each wrote: "The legislature provides that the Supreme Court shall be held twice a year at the seat of government."

No.	Date of Application	Name
564	9-24-58	Mrs. Clara E. B. Bledsoe
1169	2-17-60	Ruby E. McDonald

The following white applicants gave substantially identical interpretations of Section 148, except for the word "shall" as noted: "The legislature shall provide that the Supreme Court (shall) be held twice in each year at the seat of government."

No.	Date of Application	Name
628	1-19-59	Douglas B. Johnson
994	7-2-59	Marvin Wayne Richardson

The following white applicants gave identical interpretations of Section 148. Each wrote: "The legislature provides that the Supreme Court shall be held twice in each year at the seat of government."

No.	Date of Application	Name
493	3-7-58	Rose E. L. Bishop
497	3-17-58	Leonard D. Ellis
1111	1-27-60	Mrs. Marguerita W. Rowland

The following white applicants filled out successively numbered applications on the same day. Except for interchanging "in" and "at" as noted, each one wrote for his [fol. 1471] interpretation of Section 148: "The Supreme Court shall be held twice a year at (or in) Jackson Mississippi which is the seat of government."

No.	Date of Application	Name
305	1-5-57	Edward Earl Fitts
306	1-5-57	Douglas G. Johnson

The following accepted white applicants gave very similar interpretations of Section 148.

No.	Date of Application	Name
711	1-31-59	James L. Jones
778	3-6-59	Carl Daniels
788	3-12-59	Mrs. Betty J. Sellers

The following white applicants gave identical interpretations of Section 148, except for the omission of the words "in" and "shall" by the first applicant as noted. They wrote: "The legislature provides that the Supreme Court (shall) be held twice (in) each year at the seat of government."

No.	Date of Application	Name
796	3-20-59	Mable A. Rickman
1017	7-3-59	Mrs. Laure Dodd Lee

The following white applicants wrote identical interpretations of Section 148, except for the addition of the words "shall" and "the" at noted. They wrote: "The legislature provides that the Supreme Court (shall) meet twice a year at (the) seat of government."

No.	Date of Application	Name
409	12-18-57	George W. Bankston
746	2-13-59	Ralph M. Poole

[fol. 1472]

Section 67

Each of the following white applicants gave substantially identical interpretations of Section 67. Each followed the basic pattern: "During the last three days of the legislature (or session), no bill can be introduced (into either house)." The last two were after August 8, 1961.

No.	Date of Application	Name
175	1-5-56	Mrs. Lovvertia H. Montgomery
311	1-17-57	Annie Estelle Burchfield
777	3-5-59	Mrs. Kenneth R. Lloyd
967	6-29-59	Marcus Haril Johnson
975	6-27-59	Doris Noman Ola
1021	7-3-59	Leo Pittman Edwards
1032	7-3-59	Douglas Eugene Henderson
1034	7-6-59	Tommie D. Corley
1472	12-21-61	Marjorie A. Crowder
1979	3-1-63	Mrs. Zelma E. Jordan

The following white applicants gave identical interpretations of Section 67, except for the use of the words "in", "should", or "shall", as noted. They wrote: "(In) the last three days of the session no new bill (should or shall) be introduced into either house of the legislature. The last two were after August 8, 1961.

No.	Date of Application	Name
692	1-31-59	William C. Tucker
1438	8-30-61	Robert W. Taylor
1630	4-26-62	Mrs. Arthur C. Berry

Section 37

The following white applicants gave similar interpretations of Section 37. All followed the pattern: "The members of the legislature are elected in the counties and districts as provided by law."

No.	Date of Application	Name
604	12-29-58	Martin M. Romie
683	1-20-59	Roy L. Logan
688	1-30-59	Mrs. Holton S. King

Section 123

The following white applicants gave identical interpretations of Section 123, except for the addition of the word "all" as noted. They wrote: "It is the duty of the governor to see that the (all) laws are faithfully executed." The last three applicants gave short answers to question 20, consisting almost entirely of the elements "pay tax", "vote", and "obey the law."

No.	Date of Application	Name
633	1-23-59	Mrs. Vivian C. Long
635	1-23-59	Mrs. Martha Pauline Marshall
747	2-14-59	Mrs. Helen A. Poole
954	6-26-59	Mrs. James A. Ferguson
964	6-27-59	Mrs. W. J. Lougee
1055	12-1-59	Billy Lynn Simpson

Section 93

The following white applicants gave identical interpretations of Section 93, except for the tense of "retire", as noted. They wrote, "No officer can retire (or, be retired) on pay or part pay."

No.	Date of Application	Name
669	1-29-59	Mallory C. Davis, Jr.
836	4-4-59	Harvey Morris, Jr.

[fol. 1474]

c. Grading

From March 28, 1955 to August 8, 1961, there are numerous examples of white persons who were accepted with bad interpretations on their forms. In addition, ten persons in giving their interpretation copied, or referred to the headnotes of judicial decisions following the Constitutional provisions.

(1) Persons with bad interpretations

No.	Date of Application	Name
43	5-2-55	Howard J. Moon
103	7-2-55	Marie R. McGinnis
112	7-6-55	Mary J. Bruce
134	7-8-55	Emma S. Crosby
173	1-3-56	Mary McI. Beno
193	1-18-56	Mrs. Stella J. Campbell
213	1-31-56	Bettye J. Jones
214	1-31-56	Dorothy E. R. Mullins
243	5-10-56	Katherine G. Hammons
262	8-3-56	Walter R. Henderson
323	1-31-57	Charles W. Krablin
351	3-7-57	Bernard L. Akin
362	3-21-57	John L. Skelton
390	10-16-57	Gloria S. Abel
401	11-8-57	Sarah Jane H. Skinner
410	12- -57	Annie Lois Algood
420	1-10-58	Robert H. Smith
445	12-28-58	Katie V. Ainsworth
555	9-11-58	James E. Kitchens
571	10-1-58	Billie C. Jones
591	11-3-58	Dominic Fratesi
593	11-6-58	Mrs. Frances M. E. Bissell
662	1-29-59	Mrs. Omeva C. Lowry
603	12-29-58	Robert E. Wiggins
767	2-28-59	L. C. Andrew
774	3-5-58	Millarn G. Murphree, Jr.
801	3-23-59	David L. Sellers
802	3-23-59	Dorothy L. Vaughn
833	4-4-59	James H. McShan
844	4-11-59	Floyd C. McGaugh
853	4-18-59	Jimmy D. Slater
865	5-9-59	Norman C. Garriga
870	5-13-59	Peggy J. Hoover
885	5-29-59	Daves Williams Gordon

[fol. 1475]

904	6-2-59	Milton L. Conner
957	6-27-59	Kay Helen Kyle
1011	7-3-59	Mrs. Karl G. Muller
1090	1-22-60	May Clark Hammons
1122	1-28-60	Sidney Marie McGinnis Bailey
1143	1-29-60	Rex Dale Parker
1150	1-30-60	Robert H. Beville
1252	1-20-61	Mrs. Alice C. Davis
1295	1-30-61	Jobie H. Pittman
1297	1-30-61	Mrs. Loye Mims

(2) Persons copying or referring to Annotations for their Interpretations.

No.	Date of Application	Name
165	12-29-55	Demetrios Nicholas Magoulas
252	6-16-56	Edward Earl Blakemore
280	9-24-56	Arthur Samuel Andrews
330	1-31-57	Dorothy Fay LeTour
333	2-1-57	Henry R. Heard
360	3-3-57	Malcolm Welch
427	1-17-58	Dewitt Clinton Peteet, Jr.
543	8-2-58	Mrs. Sam H. Woodard (Mary Alice)
559	9-16-58	Mary Louise Bennett Casiday
589	10-29-58	William Charles Thomas
674	1-30-59	Varnal R. Deal

[fol. 1476]

Part III

The following Negroes have been denied the right to vote by the use of the constitutional interpretation test or the requirement for stating the duties and obligation under a constitutional form of government. The number in the left-hand margin has reference to the number given in listing the record of the interview in answer to interrogatories 23 and 24 of the State of Mississippi. If no number is listed in this margin, the inclusion of the name is based on an analysis of the application forms. The number in the right-hand margin has reference to the number on the application form.

(a) Constitutional Interpretation Test

	Name	Address	
	Erma Jewell Robinson	421 W. Stone St.	1958
	Teva Thomas	No. 9 McAlley	1991
	Addie Mae McGill	420 Stephens	1992
42031	Ruby Harris	401 Pelican	1559
			1993
	Bestrice Westbrook	421 Stephens Ave.	1994
	Hattie Mae Marye	111 West Loft St.	2008
	Rebecca Smith	509 Court St.	2012
42009	Mary E. Coleman	315 E. McLaurin St.	2013
	Mary Johnson	Itta Bena	2021

[fol. 1477]

	Inell Myrick	925 Howard St.	2024
	Leonia V. Luckett	Itta Bena	2040
42002	Millie Bell	702 Ave. G.	2059
	Rebecca Crain	Rt. #3, Box 209	2065
42072	Velma Hazzard	Greenwood	2072
	Elmira Branch	1108 Broad St.	2080
42040	Mary Lee Lane	214 Ave. H.	2085
42036	Aaron Johnson	1110 E. Lawn Drive	1093
	Fredyna L. Rogers	701 Roosevelt Ave.	1689
	Ruby E. C. Green	414 Stevens	1558

	Name	Address	
42015	Maxine L. Duncan	211 W. Taft	1716
	Freddie Lee Neal	308 1/2 Broad St.	1699
	Essie Lee Broom	111 W. Taft	1717
	Charles R. Higginbotham	Itta Bena	2053
	Nolah R. Henderson	209 W. Scott St.	1300
42030	Lillian B. Harris	2091 E. Stronghurst	170
	Susie M. McDonald	Itta Bena	275
	John M. Nichols	714 Ave. L.	314

(b) Duties and Obligations

Name	Address	
Lillian B. Harris	2091 E. Stronghurst	1407

[fol. 1478]

Sunflower #12

Part I

A

The following Negroes were not permitted to apply for registration. All the events described herein occurred in the Circuit Clerk's office in Indianola, Mississippi.

67148 Dec. 1957 Went to Registrar's office with Ollie
Refused Young and was told that Registration
Campbell-R had been "held up"; was allowed to apply to register.

67149 Dec. 1957 He went with another Negro, Claude
Refused Wooton, to register. Campbell told
Campbell-R them that registration had been held up and did not permit them to apply.

67075 Jan. 1958 Went to Registrar's office at Indian-
Refused ola, Miss. with Mrs. Hattie Sisson.
Campbell-R Cecil Campbell told them they could not make application to register. She and Mrs. Sisson returned shortly thereafter and Mr. Campbell told them again that they could not apply to register.

67121 Jan. 1958
Refused
Campbell-R

Went to Registrar's office with Irene Johnson. Cecil Campbell told them he could not let them register. She and Mrs. Johnson returned shortly thereafter and Mr. Campbell again told them they could not apply to register.

67047 Feb. 1959
Refused
Man

Went to Registrar's office in Indiana at about 4:15 PM. She was told by the man in the office that it was too late to attempt registering because it takes time to fill out the form.

67057 Early 1959
Refused
Man

Went to Registrar's office in Indiana. The man in the office told him that the "books" were in Jackson because they had gotten crossed up. The man said he'd notify Mr. Harvey when they came back. He was never notified.

[fol. 1479]

67127 Aug. 23,
1962
Refused
Man

Went to Registrar's office with Mrs. Vinnie Doris, Rev. Jeff Surney, and Mrs. Rennie Williams. The man in the office told them that the Registrar was out and did not permit them to fill out applications.

67129 Aug. 23,
1962
Refused
Man

Went to register with Mrs. Vinnie Doris, Mrs. Jeff Surney and Mrs. Rennie Williams; they were told the Registrar was out; the man did not permit them to apply for registration.

67034 Aug. 1962
Refused
Man

Went to Registrar's office in Indiana with Rev. Jeff Surney, Mrs. Jeff Surney and Mrs. Rennie Williams. Told Registrar was out and was not permitted to fill out an application to register.

67060 Sept. 1962
Refused
Woman

Went to Registrar's office in Indianola with Leonard Davis, Phyllis Baldwin and Rennie Williams; they were told that Mr. Campbell was in court and to come back in October.

67031 Sept. 1962
Refused
Woman

Went to Registrar's office in Indianola with Mrs. Rennie Williams, Phyllis Baldwin and Levi Herring. The woman in the office told them Mr. Campbell was in court and could not see them. She said they might catch him in October and did not permit them to register to vote.

67137 Dec. 1962
Refused
Man

Went to Registrar's office with Rebecca McDonald. Told that Registrar had gone to see his grandchildren and would be gone two weeks. They were not allowed to apply to register.

67025 Jan. 1963
Refused
Man

Went to Registrar's office in Indianola between 10 and 11 A.M. Told by clerk working in office she had no business there. The clerk left the room and didn't come back after giving her an application form. She waited 25 minutes. She was never shown section of constitution to copy, so she left.

[fol. 1480]

67026 Feb. or Mar.
1963
Refused
Woman

She went to Registrar's office in Indianola. Told by woman working in the office that Mr. Campbell was in court and she could not be registered. Told to come back in two weeks.

67123 Spring,
1963
Refused
Man

Went to Registrar's office with four other Negroes. Arrived 11 A.M. Told by man in office to wait and he would be back in a few minutes. Waited until 5 P.M. Man never came back.

- 67045 Late Spring or early summer, 1963
Refused
Campbell-R
Went to Registrar's office in Indiana about 9 AM. with Joe Townsend and David Clifton Smith. A note in the door of office said Mr. Campbell went to funeral. They returned at 1 PM. Told he was rejected on previous attempt. Mr. Campbell would not let them fill out application forms until white women who were filing out forms had finished. Waited two hours and left without taking test.
- 67123 June 1963
Refused
Campbell-R
Same as 67045
- 67135 Late Spring or early summer, 1963
Refused
Campbell-R
Same as 67045
- 67113 April 1963
Refused
Woman
Went to Registrar's office with Mattie Fleming at about 9:30 AM. Told they could not apply to register because Circuit Clerk was in court.
- 67153 April 1963
Refused
Woman
Went to Registrar's office with Gertrude Rogers. The woman clerk said the Registrar was not in and refused to let them make application.

[fol. 1481]

Sunflower #12

Part I

B

The following Negroes were unreasonably delayed in determining the results of their application forms after the publication requirement had been met. The events described occurred in the Circuit Clerk's office in Indianola, Mississippi.

67133 Sept. or
Oct., 1962
Delay
Woman

Went to Registrar's office to determine result of attempt to register Aug. 14, 1962. Told that registrar was not in. She was not told result. Shortly thereafter she went again to Registrar's office to determine result of Aug. 14, 1962 attempt to register. She was not told result because registrar was not in.

67075 Aug. 1962
Delay Acc.
Woman

Went to Registrar's office in Indianola with Mrs. Hattie Sisson, Mrs. Celeste Davis, Mrs. Louis Taylor and Mrs. Rebecca McDonald, and filled out application forms; told to come back after name published twice in the newspaper to find out if passed. Went back to Registrar's office at Indianola with Celeste Davis on September 7, 1962 to see if they passed test and were told Mr. Campbell was in court and only he could tell them if they had passed. She was finally told she had passed when she checked again on November 26, 1962.

[fol. 1482]

Sunflower #12

Part I.

C

The following qualified Negro citizens were rejected on the basis of their application form. All events took place in Circuit Clerks office in Indianola, Mississippi.

- 67047 Spring, 1960 Went to Registrar's office in Indianola with Hattie Sisson, Ollie Young and Floyd Surney. Arrived about 11 AM. Told to come back after lunch. After lunch three police officers were present. Filled out form. Mr. Campbell handed forms to unknown white man to examine. Told they did not pass.
Rejected
Campbell-R
- 67121 Spring, 1960 Went to Registrar's office with Ollie Young, Ruth Foster and Floyd Surney. Arrived at 11 AM. Told to come back after lunch. Filled out form after lunch (1 PM), and was rejected.
Rejected
Campbell-R
- 67121 Feb., 1962 Went to Registrar's office. Filled out form and was rejected. Mr. Campbell told her to go see Mrs. Shurden in Drew, Miss., which she did. Mrs. Shurden told her the place to register is Indianola.
Rejected
Campbell-R
- 67121 Aug. 14, 1962 Went to Registrar's office with Mrs. Irene Johnson, Mrs. Celeste Davis, Mrs. Louise Taylor, and Mrs. Rebecca McDonald. She filled out a form and was told she would have to come back after name appeared in paper to get result. She was told she was rejected on August 31, 1962. On August 31, 1963 she completed another form and was told on November 26, 1962 she had been accepted.
Rejected
Campbell-R

67054 Aug. 31,
1962
Rejected
Campbell-R

Went to Registrar's office in Indiana with busload of Negroes. Only three Negroes allowed to fill out form at one time. Filled out form. Required to return to find out if she passed. When she returned she was notified that she was rejected (she applied again in January 1963, after waiting for the publication period. She was accepted).

[fol. 1483]

67135 Feb. 1963
Rejected
Campbell-R

Went to Registrar's office with wife, Lucille Townsend and Otis Foster. He filled out an application form. Required to go back to get result of test. He was rejected.

[fol. 1484]

Sunflower #12

Part I

D

The following Negro citizens who are registered to vote in Sunflower County were not permitted to register for municipal elections in Ruleville. All events occurred at City Hall in Ruleville, Mississippi. Mayor Durrrough of Ruleville refused to permit them to register.

67075—November 1962
67094—February 1963
67095—February 1963

Part I

A

The following Negro citizens were refused registration as described. All events took place at the Courthouse in Ashland, Mississippi.

- | | | |
|------|--------------------------------------|---|
| 5025 | Summer, 1960
Refused
Mathis-R | Mr. Mathis told him when he asked about registering that he needed poll tax receipts before registering. He had not paid any and so left. |
| 5026 | Fall, 1960
Refused
Mathis-R | He and other Negroes asked Mr. Mathis if they could register. They left when Mathis said that poll taxes had to be paid two years in succession before registering. |
| 5011 | April, 1961
Refused
Mathis-R | He and another Negro were told by Mathis that they had to have paid poll taxes for two years in a row before registering. He had missed 1959, so could not register. |
| 5014 | April, 1961
Refused | He and another Negro were told at Circuit Clerk's office that they had to have two poll tax receipts to register. They had only one and so they were not permitted to register. |
| 5007 | October, 1951
Refused
Mathis-R | Mr. Mathis told her and her husband that they could not register until poll tax was paid for two years. |
| 5008 | October, 1961
Refused
Mathis-R | Mr. Mathis told him and his wife that they could not register until they had paid poll tax for two years. |

[fol. 1486]

Benton #14

Part I

B

The following Negro citizens of Benton County were delayed in their attempts to register to vote. The events described below occurred at the Circuit Clerk's office in Benton County.

- | | | |
|------|---|--|
| 5044 | Feb. or
Mar. 1955
Refused
Mathis-R | In Feb. or Mar., 1955 he went with another Negro to the office of the Circuit Clerk. J. L. Mathis, Circuit Clerk, told him he could not apply because there were no forms available. On another visit at about the same time a lady told him that the clerk would be out for several days. |
| 5007 | Summer,
1962
Refused | This person was unable to apply because the registrar was not at the office during regular hours on three occasions. |
| 5041 | July-Aug.,
1962
Refused | Unable to find registrar at his office on three occasions during regular hours. |
| 5002 | Sept., 1962
Refused | Unable to apply because clerk did not come to office, although she waited all day. |
| 5022 | Jan., 1963
Accepted
but not
registered
Mathis-R | This applicant was notified that she passed the test, but she could not find the registrar when she went back to sign the book. |
| 5003 | 1962
Mathis-R | This applicant attempted unsuccessfully to find the registrar at his office during regular business hours on 10 separate occasions. |
| 5002 | July, 1962
Rejected
Mathis-R | This lady and 4 other Negroes waited from 9:00 A.M. until noon before the registrar arrived at his office. |

C

The following Negro citizens of Benton County were not permitted to register to vote because of the interpretation test or perfect form requirement. The events described [fol. 1487] occurred at the Circuit Clerk's office in Benton County.

- 5015 Oct. 18, 1962 Applied before Mr. Mathis; asked
Rejected— for instructions on form at least
Interpretation twice; was told he had to fill it out.
Mathis-R He believes he interpreted § 189,
Miss. Const. He was notified by mail
that he was rejected after his name
was published twice.
- 5049 12-31-62 Applied to Mr. Mathis with another
Rejected— Negro. Mr. Mathis gave her a form
Interpretation which she filled out and returned.
and per- Her name was published twice and
fect form she received a letter stating she was
Mathis-R rejected. She was told not to sign
the form until she had taken an oath.

[fol. 1488]

Benton County #14

Part II

Application Forms
(Preliminary Analysis)

1. Number of Forms

The Registrar was notified of an investigation by the F.B.I. into discrimination in registration and voting on 11/13/61. On 6/13/63 the Department of Justice asked the registrar to permit photographing of his records. The first form is dated 6/25/62. The totals of forms from this date are:

White	
Accepted	101
Rejected	32
Negro	
Accepted	2
Rejected	43
Race Unknown	
Accepted	1
Rejected	2

2. Periods Which Forms Cover

a. Prior to 6/13/62—date of request for photographing

Number of Forms: 0

b. Period: 6/25/62-12/20/62

(Date of first form to date of first photographing)

Number of Forms:

[fol. 1489]	White	
	Accepted	14
	Rejected	8
	Negro	
	Accepted	2
	Rejected	39
	Race Unknown	
	Rejected	2

c. Period: 12/20/62-5/8/63 (From date of first photography to date of second photography)

Number of Forms:

	White	
	Accepted	87
	Rejected	24
	Negro	
	Accepted	0
	Rejected	4
	Race Unknown	
	Accepted	1
	Rejected	1

[fol. 1490]

Calhoun County #15

Part I

A

The following incidents which occurred in Calhoun County indicate the difficulties a Negro faced when he attempted to pay his poll tax. These events occurred at the Sheriff's office in Calhoun County.

- | | | |
|------|---------------------------------------|---|
| 7000 | 1961
Delayed | Went to sheriff's office alone in 1961 to pay poll tax but was told the man to see had gone and would be back the next day. The next day he was told the man was gone and that he would have to pay his poll tax next year although he saw persons taking money from white persons. |
| 7000 | 4-1-61
Refused
Man and
Woman | Went to the sheriff's office to pay taxes. After paying other taxes, he asked if he could pay his poll tax. The man who waited on him said, "They ain't no use of that", and did not take his tax. |

[fol. 1491]

Grenada #16

Part II

Application Forms

1 & 2 Number of Forms and Period Covered

The first form is dated April 6, 1955. The records were photographed on April 4, 1963. The total number of forms by race is:

White	
Accepted	1348
Rejected	0
Negroes	
Accepted	4
Rejected	22
Unknown	
Rejected	3
Pending	57

3. Analysis of Forms

a. Selection of Constitutional Sections

Section	White	Negro	Pending Unknown	Number of Words
9	1303	14	21	11
16	22	1		15
21	10	1	3	35
59	2	2	1	136
61		1	2	26
85			1	45
124		2		161
147	1		2	98
159	3	3	3	57
203	2			58
239	3	2	22	45

[fol. 1492] The first time a section other than section 9 was given to any applicant was January 30, 1961. Until that date 984 applicants, including the 4 Negroes who were registered received Section 9 to interpret. The following is a chart of selection of sections by race since January 30, 1961, the date the registrar began to use other sections of the Constitution (Chart does not include pending applications).

Section	White 345 (90%)	Negro 4 (27%)
9		
16	22	1
21	10	1
59	2	2
124	0	2
147	1	0
159	3	3
203	2	0
239	3	2

b. Assistance to White Applicants

(I) Section 9 of the Mississippi Constitution is:

“The Military shall be in strict subordination to the civil power”.

Identical and virtually identical answers to this section fall into 14 patterns which are shown below.

[fol. 1493]

Pattern No.	Interpretation	No. of Applicants
1.	The Civil Government Will Always Be over the Military.	107 (Total)
a.	“The civil government will always be over the military.”	53
b.	“The civil government shall always be over the military.”	12
c.	“The civil government will always be over the military government.”	7
d.	Substantially identical	35
2.	The Civil Power Will Always Be over the Military.	35 (Total)
a.	“The civil power will always be over the military.”	10
b.	“Civil power will always be over the military.”	3
c.	“The civil power shall always be over the military.”	8
d.	Substantially identical.	17
3.	The Civil Power Shall Be over the Military.	16 (Total)
a.	“The civil power shall be over the military.”	7
b.	“The civil power shall have power over the military.”	2
c.	Substantially identical.	7

[fol. 1494]

4.	The Civil Power Shall Always Be over the Military.	12 (Total)
a.	“The civil power shall always be over the military power.”	3
b.	“The civil power will always be over the military power.”	2
c.	“The civil power will be over the military power.”	2
d.	Substantially identical.	5
5.	The People Shall Have Control of Military Affairs	54 (Total)
a.	“The people shall have control of military affairs.”	8
b.	“The people shall have control over military affairs.”	3
c.	“People shall have control of military affairs.”	2
d.	“The people shall have control of all military affairs.”	5

Pattern No.	Interpretation	No. of Applicants
[fol. 1495]	e. "The people shall have control over all military affairs."	2
	f. Substantially identical.	34
6.	Civilians Shall Be In Charge of the Government	71 (Total)
a.	"Civilians shall be in charge of the Government."	42
b.	"The civilians will be in charge of the government."	5
c.	"Civilians must be in charge of the government."	12
d.	"Civilians should be in charge of the government."	4
e.	Substantially identical.	8
7.	The Civil Power Shall Have Control of Military Affairs	159 (Total)
a.	"The civil power shall have control of military affairs."	40
b.	"The civil power shall have control of the military affairs."	3
c.	"The civil power shall have control over military affairs."	14
d.	"The civil power has control of military affairs."	7
e.	"The civil power has control over military affairs."	7
f.	"Civil power shall have control of military affairs."	5
g.	Substantially identical.	83
[fol. 1496]		
8.	The Civil Power Has Control over the Military	57 (Total)
a.	"The civil power has control over the military."	6
b.	"The civil power shall have control over the military."	6
c.	"The civil power shall have control of the military."	4
d.	Substantially identical	41
9.	The Civil Power Shall Have Control of Military Power	38 (Total)
a.	"The civil power shall have control of military power."	5
b.	"The civil power shall have control of the military power."	3
c.	"The civil power shall have control over military power."	3
d.	Substantially identical	27
10.	The Military Shall Be Under the Civil Power	56 (Total)
a.	"The military shall be under the civil power."	13
b.	"The military shall be under Civil power."	2
c.	"The military will always be under the Civil power."	4
d.	"The military is under the civil power."	6
e.	Substantially identical	31

[fol. 1497]

Pattern No.	Interpretation	No. of Applicants
11.	The Military Will Always Be Under the Civil Government	15 (Total)
a.	"The military will always be under the civil government."	6
b.	"The military shall always be under the civil government."	3
c.	Substantially identical	6
12.	The Military Will Be Under the Civil	16 (Total)
a.	"The military will be under the civil."	4
b.	"The military will always be under the civil."	3
c.	"The military shall always be under the civil."	3
d.	Substantially identical	6
13.	The Civil Will Always Be over the Military	10 (Total)
a.	"The civil will always be over the military."	6
b.	Substantially identical	4
14.	The Civil Government Shall Be over the Military	12 (Total)
a.	"The civil government shall be over the military."	4
b.	Substantially identical	8

[fol. 1498] It should be noted that the four accepted Negro applicants' interpretation of section 9 does not fall into any one of the 14 patterns delineated hereinabove.

(2) There are 27 application forms, twenty-five of which were filled out in 1961 and two that were filled out in 1961, that do not have a section of the Mississippi Constitution copied in answer to question 18. These forms have a question on the form which is then answered in question 19.

Seventeen forms have the question: "what is meant by an ex post facto law?"

Twelve of these answered to the effect that it is a law that tends to work backwards.

[fol. 1499]

Marshall County #18

Part I

A

The following Negroes of Marshall County were not permitted to apply for registration. The events described below occurred at the Circuit Clerk's office in Marshall County.

- | | | |
|-------|---|---|
| 47018 | 10-1961
Refused
Lady | Tried twice in a week's time. Each time lady in the office said clerk who handles registration was not there. |
| 47019 | 3-1963
Refused
Lady | Went to office at about 3:00 P.M.; one white person was sitting at table filling out registration form; lady said she would take only one at a time and would not have time for her that day. |
| 47028 | May-June
1960.
Refused
Lady &
Man-R | On three occasions in May-June 1960 female employee in clerk's office said application must be made to clerk and clerk was not there. On fourth try, clerk said he did not have time to administer the test and she would have to return. |
| 47041 | 5-3-61
Refused
Lady | Lady in office of Registrar advised applicant that Circuit Clerk was working on his farm and no one else could take his application. |
| 47034 | 1959
Refused
Man | As he arrived at the Circuit Clerk's office, the clerk was just leaving. Said there would be a long delay before he would be processed; left without waiting. |
| 47041 | 1960
Refused
Lady | Tried to register twice in 1960. Each time young lady in office said the Circuit Clerk handles voter registration personally. He left without making application. |

44014 February
14, 1962
Rejected
Wiggins-R

The day after her first attempt she returned. She was again given section 21 and again did not interpret the expost facto part. She was told this by the Registrar and told that she did not pass.

[fol. 1516]

44018 March 19,
1962
Rejected
Wiggins-R

He was given the section about habeas corpus to interpret. He copied an annotation for his interpretation which the registrar noted and then told him he did not pass.

44072 March 21,
1962
Rejected
Woman

That afternoon she went with Mrs. Annie Carter to register. Both were given section 21 and both were told that they did not have a right interpretation for the section, and were rejected.

44071 March 21,
1962
Rejected
Woman

She went with Miss Mary E. Bailey to register. Both given forms and section. She was told that neither her interpretation nor statement of the duties of citizenship were correct.

[fol. 1517] The following Negro citizen of Lowndes County was deterred by the interpretation test from applying to register to vote. This event occurred at the Circuit Clerk's office in Lowndes County.

44036 February,
1959
Deterred
Wiggins-R

He went with his wife to register. His wife tried first and was told she did not pass. He did not even try because he then knew that he could not pass.

[fol. 1518]

Lowndes Co. #32

Part II

1 and 2. Application Forms

On June 21, 1962, the United States served on the Registrar a demand for inspection of the voting records of Lowndes County. On July 6, 1962, the United States ap-

[fol. 1500]

Marshall County #18

Part I

B

The following Negro citizens of Marshall County filled out application forms and interpreted sections of the Constitution, were told they would hear the results, and then were not notified if they passed or failed or learned the results only after long delay. The events described below occurred at the Circuit Clerk's office in Marshall County.

- | | | |
|-------|--|---|
| 47000 | 2-1958
Never told
results
Clayton-R | Went to the office of the Registrar and filled out a form; when he had completed the form, including his interpretation of a section of the Mississippi Constitution, he was told he would hear the results in 2 weeks; he was never informed of results. |
| 47000 | 10-1958
Never told
results
Lady | Went to office of Registrar and filled out form; copied and wrote interpretation of portion of Miss. Constitution; he was told he would hear in 30 days; never received notice of results. |
| 47000 | 1959
Never told
results
Clayton-R | Went to office of Registrar and filled out form; copied and interpreted a portion of Miss. Constitution; Clayton said application had to be reviewed by a "committee"; he never heard results of application. |
| 47022 | 1959
Never told
results
Clayton-R | Went to the office of the Registrar; filled out application form, then copied and wrote interpretation of portion of Miss. Constitution; Clerk said he would hear results later; returned several times to inquire but never found clerk in. |

plied to the Court for an order requiring production and inspection of the records. On August 28, 1962, the United States filed a lawsuit naming the Lowndes County registrar as a defendant. The Government photographed the records on March 25, 1963, pursuant to an order granted by the three-judge court under Rule 34 in the case of *United States v. Mississippi, et al.*

There are 1137 accepted applications for applicants from November 9, 1960, the date of the first accepted application, to March 6, 1963.

The first rejected application is dated January 30, 1956. There have been 43 Negroes rejected and 17 white persons rejected since January 30, 1956.

[fol. 1519]

	White Rejects		Negro Rejects	
1956	0		9	
1957	0		3	
1958	0		2	One unable to read or write
1959	0 ¹		1	
1960	2 ²	Neither could read or write	2	
1961	1 ³	dated Nov. 28, 1961, Could not interpret Sec. 1	6	
1962	4 ⁴	Three could not interpret Sec. 16 on ex post facto laws. The fourth typed his absentee registration and it was marked "Not acceptable—Typed instead of Handwritten."	19	All were rejected in Jan., Feb. and March before the records demand.
1963	10 ⁵	One of the 10 was rejected because of a conviction of grand larceny	1	
	17		43	

¹ Two white persons were not registered because of residence.

² One other white person was not registered because of insufficient residence.

³ Three white persons were not registered because of insufficient residence.

⁴ Two other white persons were not registered because of insufficient residence.

⁵ Three other white persons were not registered because of insufficient residence

[fol. 1520] Accepted Forms Since November 18, 1960

	White Accepted	Race Not Certain	Negro Accepted
1961	485		15—all teachers
1962	352	68	4—all teachers
1963	295	165	3—one teacher

[fol. 1501]

- 47035 1959
Never
heard
results
Clayton-R
Went to office of Registrar with 2 other Negroes; Clayton was leaving; he waited and clerk returned 45 minutes later; filled out form and answered some questions; Clayton said he would learn the results of the test later; never heard from Clayton.
- 47033 11-1959
Never told
results
Clayton-R
Went to office of the Registrar and filled out form; answered some questions on form about Constitution; clerk said he would hear in a few days; went to office four or five times to inquire, but each time the clerk was out and lady in office said only the clerk could give information whether he passed or failed.
- 47033 3-1960
Never told
results
Clayton-R
Went to office of the Registrar and filled out a form; lady in office said he would hear in a few days; he never received notice; returned to office four or five times to inquire, but each time the lady said applicant would have to catch the clerk in to find out whether he passed or failed.
- 47014 3-1960
Never told
results
Man
Went to office of Registrar alone; filled out form; copied and wrote an interpretation of a section of Miss. Constitution; he was told he would hear in a few days; he was never informed of results.

[fol. 1502]

- 47028 7-1960
Delay
before
learning
results
Man
Went to the office of Registrar and filled out form; copied and wrote interpretation of portion of Miss. Constitution; she was told she would hear results at a later date after the "board" had reviewed the test; she returned to office three times in next several months and was told the "board" had not decided yet; in Nov. 1960 clerk told her she failed test.
- 47014 6-2-61
Never told
results
Clayton-R
Went to office of Registrar alone; filled out form; copied and wrote interpretation of portion of Miss. Constitution; Clayton said he would hear in a few days; heard nothing for eight weeks; returned to office and woman said he would have to talk to the clerk personally.
- 47037 7-62
Delay
before
learning
result
Clayton-R
Went to office of Registrar and filled out a form; wrote an interpretation of section of Miss. Constitution; returned six months later to learn results; clerk said he could not find her form but would look for it; she returned two days later and was told her application was not accepted, but was given no reason for her rejection.
- 47037 12-62
Delay
before
learning
result
Went to office of Registrar and filled out a form; wrote interpretation of Section 30 of Miss. Constitution; heard nothing for two months; returned to office, but the lady there could not find her form and told her to return two days later; was told she passed, and was allowed to register.

[fol. 1503]

- 47012 12-31-62
Never told
results
Lady
Went to office of Registrar with a friend; applicants were being received one at a time only; she filled out a form, and interpreted Section 250 of the Mississippi Constitution; had not been told results 2 months thereafter.
- 47008 1-63
Never told
results
Lady
Went to office of Registrar and filled out form; copied and interpreted portion of Miss. Constitution; he was told he would hear results; six or seven weeks later applicant still had not received word.

[fol. 1504]

Part I

C

The following Negro citizens of Marshall County were not permitted to register because their interpretations did not satisfy the registrar. The events described below occurred at the Circuit Clerk's office in Marshall County.

- 47011 1-1958
Rejected
Clayton-R
Went alone to the Registrar's office; filled out form; had to read aloud a section of Miss. Constitution. Clerk commented that he could read well; had to copy and write an interpretation of section of Miss. Constitution; believes it dealt with state's right to take property if taxes are not paid; clerk said he would hear results in three days; never heard; stopped clerk on street two weeks later and clerk said he had not done well enough.

47029 1959
Rejected
Man

Went alone to the Registrar's office; filled out application; copied and interpreted part of Constitution; clerk said he would hear results, but he received no word for a month; returned to the office and clerk said he had failed.

47034 Jan. or
Feb. 1959
Rejected
Man

Went to office of Registrar with brother; clerk gave them forms to fill out, which they did; copied and wrote interpretation of section from Miss. Constitution; also wrote description of good citizenship. Told by clerk that a "board" would have to rule on their applications; returned a month later; clerk said board had decided he did not pass and that applicant would have to wait six months to try again.

[fol. 1505]

47014 3-1959
Rejected
Man

Went alone to the Registrar's office; filled out form; he had to interpret section of Miss. Constitution; Clerk said he would hear later because the matter had to be referred to a "board"; heard nothing for two weeks; returned to office and same clerk told him he failed because his interpretation was incorrect.

47022 Spring
1959
Rejected
Clayton-R

Went alone to the Registrar's office; filled out application form; copied and wrote interpretation of portion of Miss. Constitution. Clerk said he would hear results later. Returned to office a week later and clerk said he failed the exam.

47022 Late Spring 1959
Rejected
Clayton-R
Went to the Registrar's office for second try in one month's time. Filled out application form, then copied and wrote an interpretation of portion of Miss. Constitution. Clerk said he would hear results later. Returned to office a week later and clerk said he failed the exam.

47009 May or June 1961
Rejected
Clayton-R
Went to the office of the Registrar and filled out a form; interpreted § 39 of Mississippi Constitution; clerk said he would let him know results; he visited office twice a week for three or four months, but the clerk was never there; finally was able to see the clerk who said he would let him know; two weeks later clerk said he failed test.

[fol. 1506]

47013 11-13-61
Rejected
Lady
Went to the office of the Registrar where he filled out a form; copied and wrote interpretation of section of Miss. Constitution; about one month later, he received notice that his application was unsatisfactory.

47008 1962
Rejected
Lady
Went to office of Registrar; only one person was permitted to apply at a time; waited for one white person to finish although there was a lot of room at the table; filled out form, copied and wrote an interpretation of Section 240 of the Miss. Constitution; told he would hear whether he passed or failed; a month later received letter informing him that he failed. Many months later went to office to learn why he failed. Lady who had given him application said only the clerk could tell him why he failed.

47036 June or
July 1962
Rejected
Lady

Went with a friend to the Registrar's office; she filled out form and copied and interpreted portion of Miss. Constitution and answered questions about duties and obligations of citizenship. More than six weeks later, she returned to office and was told that she did not pass.

[fol. 1507] . Montgomery County #19

Part I

A

The following incident which occurred in Montgomery County indicates the difficulties which face a Negro who attempts to pay his poll tax in Montgomery County.

49004 Several
years ago
Deterred
King
Sheriff

Sheriff King said there'd be trouble and Harrison might be killed if he paid his poll tax. Harrison said he thought it was the law that he had to pay poll tax. King finally accepted poll tax. Harrison has never attempted to pay his poll tax since.

49000 Jan 1963
Deferred
from paying
Lady

Went to pay his taxes at Winona courthouse in January 1962. After paying property tax, asked clerk at desk if a person could pay his poll tax. She told him he would have to see the Sheriff. Some weeks later Mr. Townsend, the principal at the school where his daughter teaches, told him "Don't go further with it, it might affect her about getting a job."

49009 1963
Deterred

He is principal of Montgomery County Vocational School. The white County School Superintendent, Mr. Travis Abel, asked him to tell a Mr. Claude Bailey, who had tried to pay his poll tax, that if Mr. Bailey tried to pay his poll tax or to vote, that Bailey's daughter, a teacher at Mr. Townsend's school, would lose her job.

49001 1963
Deterred

Between February and April 1963, Mr. Townsend, the principal at the school where she teaches, told her he heard her father asked to pay his poll tax. He told her that if her father tried to pay it, it might cause her to lose her job.

[fol. 1508]

Tippah County. #21

Part I

A

The following Negro citizen was not permitted to apply to register to vote in Tippah County. This event took place at the Circuit Clerk's office in Tippah County.

70005 1959
(approx.)
Not permitted to
apply
Registrar.

Went with Bradock Andrew to register. Registrar said that blanks had not yet arrived.

S [fol. 1509]

Union County #22

Part I

A

The following Negro citizen was not permitted to apply to register to vote in Union County. This event took place at the Circuit Clerk's office in Union County.

73000	About 6-1-63 Not allowed to apply Registrar	Went to courthouse with 5 or 6 other Negroes. Registrar asked name, age and whether he was qualified. He supplied this information and said he was qualified. Registrar asked if poll tax paid and he replied he was exempt. Registrar asked if he knew the Constitution and when he replied he didn't, Registrar said he wasn't qualified. Did not fill out form.
-------	---	--

[fol. 1510]

Webster County #23

Part I

A

The following Negro citizens were not permitted to pay poll taxes at the Sheriff's office in Webster County.

78005	About 1957 Refused Lady	Tried to pay poll tax. Lady in Sheriff's office said she had no orders to give him a receipt and he should wait for Sheriff. He waited, but when Negro Friend. C. Robinson couldn't pay, he left.
78004	1959 Refused Schneider (Sheriff)	Asked woman clerk to take poll tax money in Sheriff Schneider's office. She said she was instructed not to take poll tax money. Later, he was told by sheriff he could pay poll tax, but when a Negro boy took the money to the sheriff, it was refused.

- 78005 1959
Refused
Schneider
(Sheriff) Tried to pay poll tax. Sheriff Schneider told him it wasn't time, it would be best for him to forget it and he wasn't issuing poll tax receipts.
- 78003 About 1959
Refused
Schneider
(Sheriff) About 3-4 years ago in Walthall, he asked woman clerk in sheriff's office if he could pay poll tax. Sheriff Schneider said he'd rather he wouldn't. He left and has not tried since.
- 78005 1-31-63
Refused
Clerk Tried to pay poll tax at Sheriff S. R. Worsham's office in Walthall, Mississippi. Sheriff not in. Told by clerk that he had a few more days and he should come back and see the sheriff.

[fol. 1511] Attala County #26

Part I

A

The following Negro citizens of Attala County were not permitted to register to vote. The events described below occurred at the Circuit Clerk's office in Attala County.

- 4000 Uncertain
1955-60 Mrs.
McWhorter
Rejected Went to register three times and each time she was not given an application form, though on these occasions she saw Mrs. McWhorter registering white people.
- 4002 1958 or 1959
Rejected
Registrar Tried to register, was asked to interpret several sections of the Constitution said she couldn't do this and was told by Registrar, "Don't tell anyone I would not let you register."

Part I

A

The following Negro citizens of Chickasaw County were not permitted to pay poll taxes at the Sheriff's office in Houston, Mississippi.

- 9001 2/63
Refused
Griffin
(Sheriff) Went with Rev. Perry Montgomery, a Negro. Told Sheriff Griffin he wanted to pay his poll tax. Sheriff said he didn't know him. Told Sheriff to call Mr. Edgar Eden, a white man who could identify him. Sheriff went to phone and returned. He said Mr. Eden was not home. Refused to take payment. A Deputy Sheriff who knew Mr. Brownlee was in the office.
- 9002 About 11/58
Refused
Wood Went to Sheriff's office again the next day with Rev. Perry Montgomery. Told woman in office he wanted to pay poll tax. She said Sheriff was not in and refused to take payment.
- 9006 Before 1960
Refused
Alexander Tried to pay poll tax at Sheriff's office in Houston; asked Mr. Wood, who was collecting taxes, if he would take his poll tax. Mr. Wood refused. Sometime before 1960 while Sheriff Alexander was in office, he went to Houston to pay property tax. Saw white people paying poll tax. Asked Sheriff Alexander about paying poll tax. Sheriff Alexander said the colored people are not paying them yet.

9006 During
Griffin's
Term
Refused
Lady

Went to Sheriff's office in Houston sometime during Sheriff Griffin's term of office. Asked the secretary who was collecting taxes if he could pay poll tax. She consulted Sheriff Griffin then came back and told him she couldn't take his payment.

[fol. 1513]

9005 About 1959
Refused
Sheriff

Told Sheriff he wanted to pay poll tax. Sheriff shouted, "No, No!"

9005 1/62
Refused
Sheriff

Told Sheriff he would like to pay his poll tax. Sheriff said, "I can't allow you, it will get me in bad."

B

The following Negro citizens were not registered to vote when they went to the Circuit Clerk's office in Okolona, Mississippi.

9013 1957 or 1958
Refused
Johnson-R

Went to Courthouse in Okolona with two other Negroes, Rev. F. N. Bong and Osear Kirks. Asked Registrar the qualifications for registering. He said he didn't know and couldn't give any information on it.

[fol. 1514]

Clay County #29

Part I

A

The following Negro citizens of Clay County were not permitted to register because their interpretations did not satisfy the Registrar. These events occurred at the Circuit Clerk's office in Clay County.

13012 11-5-61
Delay
Rejected
Registrar

Went alone to Registrar's office. Sheriff came in and asked her where she was from and why she didn't vote there (Arkansas). Was given a form to complete. Had no trouble until she came to Q-12. She asked the Registrar to clarify it and he replied "Don't ask me nothing—just fill it out". She was given the Section of the Constitution dealing with the selling of state property. Upon finishing, she was told it would be graded by Tuesday. She called and was told she did not pass. Asked why. Told "For one thing you didn't get the question about the Constitution of Mississippi right".

13003 Jan. 1963
Rejected
Registrar

Went up by himself. White lady came in two minutes after he arrived. Circuit Clerk was the only person working. Completed form and interpreted Section 147. Clerk said "We will run your name for 30 days and then you're supposed to get your card". Saw his name in the West Point Daily Times Leader. Went back after 30 days. He was told "They objected to the interpretation of Article 147". Clerk said he could not tell him what was wrong with the interpretation.

[fol. 1515]

Lowndes County #32

Part I

A

The following Negro citizens of Lowndes County were not registered to vote because they did not interpret the Constitution to the satisfaction of the Registrar. The events described below occurred in the Circuit Clerk's office in Lowndes County.

- | | | |
|-------|---|--|
| 44071 | January
30, 1961
Rejected
Wiggins-R | Circuit Clerk told her she had to re-register. Female assistant gave her the application form. She filled it in and was told she had not interpreted the section correctly. |
| 44035 | January,
1956
Rejected
Wiggins-R | She was given a form and section 240 to interpret. She did not understand this one as well as she had the section on her first time and was told she was rejected and had not done as well this time. |
| 44051 | February
1, 1962
Rejected
Man | He went to register with Mr. Clai-bourn. He was given the section about ex post facto laws to interpret. He was told that he did not explain it right and was rejected. Some white people were registering at the same time they were. |
| 44014 | February
13, 1962
Rejected
Wiggins-R | A white lady gave her the form to fill out. She was given section 16 to interpret which deals with ex post facto laws and the impairment of obligations. She wrote an interpretation covering the impairment of obligations but not the ex post facto part. The registrar told her she did not interpret ex post facto part, that she was nervous and should go home and then come back. |

3. Analysis of the Forms

(a) Selection Discrimination

An analysis of the accepted and rejected forms since November 18, 1960, indicates that the registrar used Section 1, an easy section on the separation of powers, for every applicant until some Negro students began to attempt to register during Christmas 1961. As Negroes began to attempt to register they were given Section 16 on ex post facto laws and Section 21 on habeas corpus, and after the Negroes ceased their efforts, the registrar returned to using Section 1 again until this lawsuit was filed.

I. November 18, 1960 through December 29, 1961

All 227 applicants during this period after the first accepted form received Section 1. The breakdown during this period is as follows:

	Accepted	Rejected
White	207	1
Negro	15	4

On December 29, 1961, one Negro student made two attempts to register and was rejected each time. He was given Section 1 each time. The next day two other Negroes attempted to register to vote and were given Section 16 on ex post facto laws to interpret. Neither could interpret this section satisfactorily.

[fol. 1521] II. December 30, 1961 through January 5, 1962

Date	Race	Action	Section
Dec. 30, 1961	2 Negroes	Rejected	16
Jan. 2, 1962	1 Negro	Rejected	16
	4 White	Accepted	16
Jan. 3, 1962	1 White	Accepted	16
Jan. 4, 1962	3 White	Accepted	16
Jan. 5, 1962	4 White	Accepted	16

The use of Section 16 was inaugurated with the arrival of two Negroes on December 30, 1961. As no Negroes seemed to be coming in anymore Section 1 began to be used again on January 6, 1962, until a Negro came to register on January 24, 1962.

III. January 6, 1962 through January 23, 1962

All 57 applicants received Section 1. None were Negroes.